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A VOICE FOR VICTIMS

THE OFFICE FOR VICTIMS
OF CRIME
REPORT
ON VICTIM SERVICES
IN ONTARIO

Ontario

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CHAPTER 1

INTRODUCTION AND DEDICATION

Too many of us have come to learn what it is like to be assaulted, robbed, sexually abused or defrauded of our life's savings. No one can accurately contemplate the unthinkable nightmare of learning a loved one has fallen prey to criminal violence. Until it happens. When the intrusion of crime occurs however, ordinary citizens of this Province find themselves thrust into a world that frequently makes little sense and all too often causes the original trauma of victimization to worsen. How we, as a society, choose to respond to such victims of crime is at heart a reflection on ourselves and our priorities and principles.

In many instances, following the commission of a crime, the various institutions of society are invoked with the investigation and prosecution of the person responsible for the criminal act. Police, prosecutors, defense counsel, judges, members of parole boards and more, all become persons with a very real impact on the crime victim's life either by the actions they take or the inaction they allow. It is thus more than a little ironic that while crime victims are the only truly involuntary participants in the criminal justice system, historically they were the first to be ignored, forgotten, and even abused by the social systems and laws to which they turned for help.

Regrettably, this risk of re-victimization is sufficiently acute that, even today, some victims choose simply not to participate in the criminal justice system with the inevitable consequence that some offenders remain free to re-offend or victimize others. This is by no means a criticism of the victim, rather it is a call for continuing the reform of how crime victims are treated in Ontario so that they feel confident to turn to the justice system to achieve a justice that includes them and protects us all.

As this report details, there is no question that immense progress has been made and is currently underway. From community-based domestic violence shelters and sexual assault centres, to criminal injuries compensation, to victim witness assistance, to police and community based victim services, services for victims of crime in Ontario are progressively improving. Indeed, it is fair to say that there has probably never been a time when government has so clearly expressed itself as being more committed to maximizing the nature and quality of services available to victims of crime than the current circumstance in Ontario.

From the outset, individual crime victims and organizations have been clear that appropriate recognition of victims of crime goes beyond the manner in which they are treated by public institutions following their victimization. In addition, crime victims have been leaders in calling for legislative and policy reforms to prevent others from being victimized in the future. This act of turning personal agony into public advocacy has resulted in a profound improvement in public understanding of how our frequently mysterious criminal justice system works, and sometimes does not work. As in the case of provision of victim services, there is also now a current public recognition of the obligation to prevent future victimization wherever possible. No comprehensive provincial victim service is complete without a prevention feature as a component.

A review of the table of contents of this report illustrates a significant consequence of the process of evolution of victim services in Ontario. Put simply, there was no originating blueprint or grand vision of what services crime victims should receive, or how, and from whom, they should be delivered. As is frequently the case, dedicated people across Ontario improvised and made do. Unfortunately, this approach also meant some did, and now do, without. Following the advent of community organized women's services, publicly funded programs with specific restricted mandates arose, each attempting to cover a specific need arising from that institution's perspective. The result is a patchwork of victim services with gaps both in what is covered and where that coverage is even provided. Literally, for public victim services, function has too frequently become subservient to form. Conversely, the community-based services and private victim organizations have adopted an approach born of the necessity of serving all the needs of crime victims that walk through the door. Restrictions here have been more a result of scarce financial resources and not being part of the institutional infrastructure. Thus, the challenge, in many ways, is to meld the flexibility of community victim services with the potential of inclusion within publicly sanctioned services. While there is unprecedented will to achieve adequate victim services for residents of Ontario, care must be taken to ensure that how such services are delivered are a support and not an impediment to the content of the service crime victims require. This will necessitate flexibility, candour and a setting aside of perceived institutional interests and I am confident that in Ontario, we are up to the task that lies ahead.

Our report also spends some time detailing the history of victim services in Ontario because there are many wheels that do not need re-inventing as well as many lessons that must not be forgotten. Additionally, in analyzing what services are in place, or not, it helps to know how those that exist came to be and why they have evolved as they have.

By 1996, it was apparent to all observers that something important was happening for crime victims in Ontario. The newly elected government introduced and passed legislation, *An Act Respecting Victims of Crime*[1] (Appendix #1) known simply as the *Victims' Bill of Rights* (VBR) which enunciated an important statement of principles to guide the public institutions of the criminal justice system and *most* of its officials in dealing with crime victims. Literally, the expectations of crime victims as to how they should be treated by the justice system were defined. It was, and is, in effect, a set of standards against which crime victims and all citizens of Ontario are entitled to measure the administration of justice. How those standards are to be attained, or what flows when they are not, either by inability or disinclination, are tough questions which this report will address. We believe, however, that the simple articulation of public expectations of justice system officials is an important step in achieving equitable treatment of crime victims in Ontario.

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[1] (1995) S.O. C-6

One prominent victims advocate noted that far from the Bill "curing" victims' difficulties, her organization has actually seen a substantial *increase* in the number of complaints from crime victims since the Bill's passage. Exactly. As knowledge of the required standards becomes more widespread, so too do the actual instances of reference and insistence on the principles of the VBR. This is a good thing, especially when part of the real goal is changing attitudes within institutions like the criminal justice system. In short, we view the Bill itself as a catalyst for change. It is for precisely this reason that during our many contacts with victims and service providers this past year, we always ensured a copy of the VBR was left with the person with whom we spoke. Attaining the standards detailed in the VBR is a work in progress of which our Office and this report are an ongoing part.

While the principles are of value as first steps in recognizing crime victims, it was also our view that a significant part of the Bill lay in the fact that it enshrined the *Victims' Justice Fund* (VJF) made up of *Victim Fine Surcharges* (VFS) which could only be spent on services for crime victims. Apart from being logical, it was advice specifically offered by crime victims.

Throughout 1996 and 1997, the Ontario government actively sought the advice of crime victims and those involved in public safety issues. One main theme, specifically articulated at The *Ontario Crime Control Commission* (OCCC) hearing into crime victims' issues, was the desirability of a single coordinating body for victims issues within the Province. This evolution was viewed as the best way of bringing together all of the various and diverse government programs or institutional services, which were tied to either specific Ministries or agencies like the police. The intention to create an Office for Victims of Crime (OVC) was confirmed in the 1998 *Throne Speech*.

Our Office came into being in the summer of 1998 with direction to:

- increase external input to Government decision making for programs affecting victims of crime;
- enhance policy and program coordination and decision making with respect to services provided by ministries to victims of crime;
- raise the public profile and credibility of programs assisting victims of crime; and
- advise the Government on the allocation of funding for programs from the VJF.

The first task assigned to us was to define what steps we proposed in order to achieve these general directions. As a result, in August of 1998, our Office submitted its initial mandate to the Minister which detailed the ambitious plan of action we felt necessary to begin the task of moving to the next stage, giving crime victims in Ontario an appropriate voice. Those original goals include:

- completion of a comprehensive review of the provision of victim services in Ontario both by government and by community groups;

- development of a unified and comprehensive victim services model to maximize delivery of appropriate services to crime victims in Ontario;
- provision of advice to the Attorney General and the Solicitor General on a priority basis on the allocation of the VJF;
- analysis of federal and provincial legislation and policies in order to provide recommendations for improvements thereto consistent with the governments public safety priorities; and
- assisting crime victims in dealing with the Crown in order to ensure compliance with the VBR.

Although ambitious, I am pleased to confirm that with this report, the first part of our mandate is met and as the attachments to it confirm, our Office continues to discharge the ongoing duties of advising government and assisting individual victims of crime. We would not have been able to accomplish this in the compressed time available were it not for the participation of a very special group of people who came together to form the OVC Team. As then Attorney General Charles Harnick described at the November 1998 media conference, which launched our Office,

> *"I want to emphasize that the Office for Victims of Crime is a government office with a difference. The Office will not only serve victims, it will be run by victims. Working together with community organizations, the Office will ensure that programs and services work, that they are linked together and that they can be readily accessed by victims of crime.*
>
> *As the first step, the Office will consult with victims and community service providers across Ontario. The consultations will be conducted by respected members of victims of crime organizations and criminal justice professionals who are working with the Office. This group of people assembled for this historic project are quite literally the most qualified group ever assembled for the task at hand."*

I want to add my concurrence to the former Minister's observations and express my deep appreciation at being afforded the opportunity to work with the men and women that made up the OVC team. A more full review of the Office, the people that comprise it and the province wide survey is contained in the report.

The survey that was completed was intended to be a snapshot of the state of victim services in Ontario today. To an extent, the cumulative responses provided this snapshot. We recognize however, that by trying to be as flexible as possible, we have reduced the comparative potential of the data gathered. We also learned, as many before us, that software based data analysis is only as effective as the instructions of what to include and how to include it.

What has resulted is the provision of insights and observations from front line victim service providers to produce a wealth of suggestions for continuing the improvement of how crime victims are treated. Their ideas and reflections combined with the clear advice from victims themselves are, we believe, the essence of the recommendations in this report.

Apart from on-site visits, written responses and direct victim participation, we were aided in preparing this report by various organizations and individuals themselves dedicated to the administration of justice and or crime victims specifically. Contemplating change is inherently not for the faint of heart but the assistance, candour and vision of people like *Eileen Morrow, Ontario Association of Interval and Transition Houses, Sarah Welch, Ontario Crown Attorneys Association, Barb MacQuarrie and Bev Lafrancois, Ontario Coalition of Rape Crisis Centres, the Leeds and Grenville Victims of Crime Services Planning Team, Brian Adkin, Ontario Provincial Police Association, Chief Julian Fantino, Ontario Association of Chiefs of Police, Murray Segal, Assistant Deputy Attorney General, Criminal Law Division, Ministry of the Attorney General, Loretta Eley, Former Acting Director, Victim Services Unit, Ministry of the Solicitor General, Fatima Ferreira and Marek Brodzki, Ministry of the Attorney General, Donelda Bunn and Kathryn Stoyke, Victim Assistance Program Grey/Owen Sound, Susan Lee, Director, Victim/Witness Assistance Program (V/WAP), Ministry of the Attorney General, OPP Commissioner Gwen Boniface, Chief David Boothby , Toronto Police Service (ret), Chief Brian Ford, Ottawa-Carleton Regional Police Service (ret), Ottawa-Carleton Advisory Committee, Hugh Stephenson, Ontario Provincial Police*, has produced, we believe, a balanced and honest assessment of what can be complex and competing interests. We have tried to be inclusive and respectful of the different perspectives that legitimately exist within a social system as complex and sensitive as the criminal justice system. To the extent that this report and its recommendations succeed in providing improvement for victims of crime, we suggest much credit belongs with the quality of the people mentioned above and the hundreds of other dedicated individuals that daily assist victims of crime in our province.

Many years ago when our child was taken from us, we were literally confronted by a criminal justice system that saw us only as potential witnesses in the prosecution of a serial killer. Our grief, need for knowledge and basic right to know what was going on were, at that time, for those people, irrelevant. Like thousands of crime victims in this country before and since then, we determined that we needed to embark on a road to change so that crime victims' voices would no longer be an afterthought from a system indifferent to their needs. The creation of this Office and the report and recommendations it makes are steps on that road which finally no longer seems never ending. For the honour and opportunity to be a part of this effort, I want to personally thank the Government of Ontario, Premier Mike Harris, former Attorney General Charles Harnick, Attorney General James Flaherty, Solicitor General David Tsoubuchi, Corrections Minister Rob Sampson, Community and Social Services Minister John Baird, as well as the Honourable Cam Jackson and the Honourable Bob Runciman who have both been tireless champions on behalf of victims of crime.

Finally, let this report and the improvements that hopefully will flow from it be dedicated to the still too many of us victimized by crime. Their individual stories of quiet courage but firm resolve are an inspiration that should serve as a guide as we move into the future in Ontario.

Sharon Rosenfeldt

Sharon Rosenfeldt
Chair
Office for Victims of Crime

CHAPTER 2

EXECUTIVE SUMMARY

2.1 Background

This Report from the Office for Victims of Crime was completed in furtherance of its mandate to provide:

- completion of a comprehensive review of the provision of victim services by both government and the community;
- development of a unified and comprehensive victim services model to maximize delivery of services to crime victims;
- provision of advice to the Attorney General and/or the Solicitor General, on a priority basis, on the allocation of the *Victims' Justice Fund*;
- analysis of provincial legislation and policies in order to provide recommendations for improvements consistent with the government's public safety priorities; and
- analysis of federal legislation and policies which adversely impact on the administration of justice in Ontario and recommendations for improvements consistent with the governments public safety priorities; and
- assisting crime victims in dealing with the Crown in order to ensure compliance with the VBR.

The Office was first announced in the 1998 *Throne Speech* and the authors of this Report were appointed as Chair and Special Counsel respectively in June of 1998. The Office was housed administratively within the Ministry of the Attorney General but conducted its work with the assistance of crime victims, victim advocates and criminal justice professionals with victim expertise. The Office received Management Board of Cabinet approval and funding in August 1998 and was formally launched in mid-November 1998. It began the review of victim services immediately thereafter. In October of 1999, Attorney General James Flaherty assigned the Office the responsibility for the s.745 Fund, the first of its kind in Canada to defray victim expenses at such hearings. In May of 2000, the Office was provided with fulltime funding as part of the governments long standing commitment to create a permanent Office for Victims of Crime.

In order to complete the report, the Office undertook a comprehensive review of community and public victim services including the various components of the criminal justice system with which crime victims necessarily interact. In addition, the Office met with representatives of various groups from within the criminal justice system. The Office also maintained an ongoing contact with crime victims through a direction from Management Board of Cabinet to provide a service to crime victims, "*... to ensure compliance with the Victims' Bill of Rights.*"*(VBR)*

In May of 1999 Mr. Justice Day (Appendix #2) rejected a claim against the Crown by three crime victims[2] who argued that the *Act Respecting Victims of Crime* created statutorily enforceable rights for victims (and duties for prosecutors) or that the principles contained within the Act had attained *Canadian Charter of Rights and Freedoms* protected status. The Act, according to the ruling, was a mere statement of principles. No appeal has been filed.

The survey was completed in May of 1999 and compilation of the data and observations began immediately thereafter. In August of 1999, the Attorney General was also provided with a report on domestic violence from a joint committee, chaired by Judge Leslie Baldwin. Preparation of the OVC Report was done concurrently with this and indeed meetings between its Chair and the OVC Chair and Special Counsel occurred during that time.

During the time of the survey and preparation of the report, the Office, in accordance with its above noted mandate, was also called on to provide advice to government on several policy issues including:

- proposed federal amendments to the *Young Offenders Act*;[3]
- consecutive sentencing proposals;
- federal corrections practise (the 50/50quota), (Appendix #3);
- federal amendments to the *Criminal Code* in support of victims rights;
- revision to the federal *Corrections and Conditional Release Act;*[4]
- child victims; and
- organized crime.

The Office met and briefed newly appointed Attorney General, the Honourable James Flaherty in late June 1999. The final Report of the Office in discharge of its original mandate was presented to the Attorney General in June of 2000.

2.2 Significant Issues Identified

The OVC Report identifies a number of issues requiring action which affect victims of crime and victim services in Ontario. These include:

- significant disparity in nature of victim services available across Ontario with no provincial "standard" for such services;

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[2] Vanscoy, Even and Christie v. The Queen (1999) O.C.G.D. Day J

[3] *Young Offenders Act* R.S.C. (1985) CY-1 (asam.)

[4] S.C. (1992) C-20

- existing public services are institutionally based (police/Crown) with varying degrees of integration or co-operation resulting in victims that do receive services needlessly being moved to different service providers depending on stage of the criminal justice process;
- a single example of a joint VCARS/V/WAP victim service program in Owen Sound that provides exemplary service;
- existing public services primarily focused on domestic violence/sexual assault victims due to shortage of resources and nature and volume of offences;
- shortage of Crown attorneys and Crown support staff with negative consequence for attainment of VBR principles;
- inordinate delay in criminal proceedings is a major concern among crime victims, service providers, police and the Crown and requires immediate and candid analysis as to its cause;
- widespread dissatisfaction with the absence of accountability for Crown attorneys and judges (especially in light of the Vanscoy, Even and Christie decision);
- delays in providing funding from the VJF to start local victim services or expand the *Victim/Witness Assistance Program* (V/WAP) or *Victim Crisis Assistance and Referral Services* (VCARS) programs;
- overlap in function between police based victim services and VCARS program;
- significant absence of awareness of existence of criminal injuries compensation process and dissatisfaction with the *Criminal Injuries Compensation Board* process among those that did;
- unjustified surplus in VJF while whole communities have no victim services;
- clear desire for extension of victim witness program and police and/or community based victim service across province;
- existence of untapped financial resources in uncollected fines/bail forfeitures and ending provincial subsidy of RCMP contract policing in other jurisdictions;
- strong expression of victimization prevention as a priority, along with improving victim services;
- need for retention of independent nature of community based shelters and sexual assault centres both of which require recognition of public education and individual case "advocacy" as core functions meriting transfer payment or funding;
- little rationale for current government internal organization of victim services responsibility and desirability of greater internal consolidation within a single body;
- a multiplicity of existing and overlapping of artificial "boundaries";
- relatively newly created statutory obligation on police to provide "victim assistance" as a measure of adequacy and effectiveness standards;
- critical need for publicly funded, defined, trauma counselling for crime victims in aftermath of crime;
- expansion of counselling and assistance for child victims and their families required;
- expansion of both Francophone and cultural/linguistic specific services required;

- timely and accurate information both to and from victims of crime is fundamentally important in any victim service, and the forthcoming Integrated Justice System should ensure that it has the capacity for optimum information exchange to assist crime victims;
- shortage of victim services for male victims of sexual assault; and
- need for fund to defray expenses of victims who are not witnesses.

2.3 Recommendations

The OVC report makes a series of recommendations in relation to the above noted issues all with the goal of improving victim services in Ontario and reducing future victimization. Most prominent among these are:

1) The government establish a Provincial Victim Service Standard applicable to all victims of crime wherever situate in the province of Ontario.

2) That such victim services be delivered through local victim services organized on the 54 court jurisdictions, including satellite offices as required, throughout Ontario.

3) That the local victim service be delivered either through a locally organized ***consolidated victim service*** described herein, or through a locally organized ***co-ordinated victim service*** both of which shall be governed by the Provincial Victim Service Standard.

4) That any of the 54 local communities be free to choose either the consolidated victim service or co-ordinated service model.

5) That core-victim services, as defined in the Provincial Victim Service Standard, be funded by the *Victims' Justice Fund*, enhanced as identified in this report.

6) MSG to serve as the funding agency for such local victim services through transfer payment from the VJF and such other revenues as required.

7) The OVC to be permanently established (by amendment to an *Act Respecting Victims of Crime*) as an Agency reporting to the Attorney General.

8) The Victim Support Line (VSL), *Community Victim Initiatives Program* (CVIP), and such other services and programs in relation to victims of crime as government determines appropriate to the mandate of the OVC, shall be administratively housed within the OVC.

9) The OVC to complete an Annual Report to the Attorney General and/or Solicitor General detailing the state of victim services throughout Ontario and matters of public safety or special interest, including:

- measures to promote and attain the principles of the VBR for victims in dealing with the administration of justice including the Crown Prosecution service;
- revisions to the criminal injuries compensation process to expedite appropriate victim compensation;
- provincial corrections and parole practice;
- review of victim facilities within Ontario courthouses and development of an appropriate provincial standard for such facilities;
- required federal legislative/policy amendments; and
- report on the *Integrated Justice Project* developments pertaining to victims of crime and public safety issues.

10) Domestic Violence Shelters and Sexual Assault Centres (SACs) to be maintained independent of the above-described local victim service but administratively consolidated within a single Ministry.

11) Provision of additional resources for shelters and SACs to ensure adequate individual case support including legal assistance.

12) Immediate review of availability of secondary housing for women fleeing domestic violence.

13) Local victim services to be organized on the 54 provincial court jurisdictions (Map #1), within Ontario identified by the *Joint Committee on Domestic Violence.*

14) Rollout of the new, consolidated or co-ordinated victim services to be transitional with priority given to jurisdictions without current VCARS, V/WAP or police-based services and completion of the comprehensive victim service throughout Ontario to occur within 5 years from the establishment of the OVC by statute.

15) Creation of a *Law Enforcement Fund* (or enhancement of the *Victims' Justice Fund*) from collection of unpaid fines and forfeitures and cessation of Ontario contribution to federal subsidy of RCMP Contract Policing outside of Ontario, such revenues to support enhanced victim services and or law enforcement initiatives designed to reduce victimization and enhance public safety.

16) Creation of a province wide special police High Risk/Fugitive Offender squad in conjunction with the implementation of the provincial *Sex Offender Registry.*[5]

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[5] Sex Offender Registry (Christopher's Law) (1999) C-19

17) Direction to Ontario police services to gather statistical data in relation to persons convicted of committing criminal offences while on either bail or conditional release of any kind, or subject to criminal deportation.

18) The government of Ontario pursue federal legislative amendments as detailed in this report in the areas of:

- creation of a process for victims to assert their *Charter* interests in the context of a criminal prosecution;
- corrections and parole;
- sentencing reform; and
- giving direction to courts to more clearly define the admissibility of evidence.

19) Limited trauma counselling for defined crime victims should be made available either through enhancement of *Ontario Health Insurance Plan* (OHIP) coverage and/or by expedited access to s.14 interim payments pursuant to the *Compensation for Victims of Crime Act* [6](Appendix #4).

20) A review of the adequacy of Crown prosecution administrative support personnel be undertaken, including any additional support required for Crown attorneys to meet the standards enunciated in the VBR.

21) Amend the *Coroner's Act*[7] to require a review of circumstances where a person criminally causes the death of another person while at large on either bail or conditional release of any kind with provision of counsel to victim's family who are deemed to be a party to the review.

22) Creation of services for male victims of sexual assault as a priority.

23) Creation of a victim expense fund administered by the OVC for victims who attend court but are not witnesses.

This list is a summary of some of the recommendations contained within the full report that follows. Reference to the report for background and ancillary recommendations is advised.

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[6] R.S.O. (1999) C-24

[7] R.S.O. (1990) C-37

CHAPTER 3

THE OFFICE FOR VICTIMS OF CRIME

On June 11, 1996, Ontario proclaimed the *Victims' Bill of Rights* (VBR). This established principles and standards for prompt, appropriate, informative and courteous treatment of victims in the criminal justice process. The *VBR* made it easier for victims to sue their assailants in actions for civil damages, provides better support for children who testify in court and enshrined the *Victims' Justice Fund* (VJF), that provides funding from fine surcharges for victim support services.

The commitment to the creation of a single Office for Victims of Crime was announced in the April 1998 *Throne Speech*. The Office was created based on the recognition that:

- there is a need to ensure that programs and services reflect the principles in Ontario's VBR;
- victims' organizations want a stronger voice in developing legislation, in areas such as parole, sentencing, and the treatment of young offenders, to prevent future victimization of others;
- access to programs and services vary across the province; and
- programs and services which are currently provided by several Ontario government ministries and a wide range of community organizations need to be better integrated and co-ordinated for easier access by victims.

In June 1998, Sharon Rosenfeldt was appointed Chair and Scott Newark was appointed Special Counsel, of the Office. In addition, OVC team members and liaison officers were appointed during the summer and early fall of 1998. The OVC Liaison Officers are:

Daisie Auty
Daisie is the past president of the Board of Directors of the *Kawartha Sexual Assault* Centre. She works in the social services field focussing on adults with developmental disabilities.

Stu Auty
An ex-principal in Metro Toronto, Stu refused to ignore the growing tide of violence in schools and his efforts led to the creation of the *Canadian Safe School Network*.

Ruth Campbell
A victims' services officer with the Ottawa-Carleton Regional Police Service, and a frequent advisor on victims' issues to the *Canadian Association of Chiefs of Police*.

Rick Cunningham

As a youth probation officer for the Ministry of Community and Social Services in Thunder Bay, Rick is on the front line of issues between the justice system and crime victims.

Nazlin Daya

Former member of the *Criminal Injuries Compensation Board*, and past member of the *Immigration and Refugee Board*, Nazlin's work on behalf of victims and others in need, is well established in Ontario.

Franco Fragomeni

Franco is a clinical psychometrist who specializes in treating young offenders. He was the clinical advisor on the *Strict Discipline Task Force*. He is also a current member of the Ontario Board of Parole. As the brother-in-law of Joe MacDonald, a police officer murdered by a parolee, he was the government's first victim appointee to the Parole Board.

Lloyd Grahame

Lloyd is a retired member of the Windsor Police Service and has past service at the *Ontario Police College* as a leadership-training instructor. He is currently an active member of the Board of Directors of the *Victim Services of Windsor and Essex County*.

Patti Kelly

Patti is a civilian member of the Windsor Police Service and has been instrumental in establishing programs and services to assist the police throughout the Windsor and Essex County.

Kent Laidlaw

A former police superintendent, Kent is recognized as one of Canada's foremost experts in the delivery of victim services and related training. Kent has worked with victims across North America and internationally.

Debbie Mahaffy

A schoolteacher until the murder of her daughter Leslie, Debbie founded *Action for Victims*, a Burlington-based victims' support group. Debbie remains dedicated to victims' needs and is determined to help facilitate changes which would prevent revictimization of crime victims by the justice system.

Pat Marshall

Pat co-chaired the Canadian Panel on Violence Against Women along with being the founding executive director of, the *Metro Toronto Action Committee on Public Violence Against Women and Children* (METRAC). She is a recognized expert on issues relating to the safety of women and children, sexual assault and child sexual abuse.

Theresa McQuaig

Theresa gained a first-hand look at the justice system following the murder of her grandson and has since worked to restore balance and promote fair treatment of crime victims.

Detective Sergeant John Muise

A 24-year veteran of the Toronto Police Service, Detective Sergeant Muise has focused on the issues of youth violence, violence in schools and youth victimization. He has worked tirelessly to change attitudes and policies to create safer schools and communities for young people.

Acting Inspector Terry Nicholls

A 25-year veteran officer, Terry is the O.P.P. provincial victim issues coordinator and is currently on secondment to the Ministry of the Solicitor General, Victim Services Unit.

Gary Rosenfeldt

President of *Victims of Violence*, Gary and his wife Sharon have made justice for crime victims an attainable goal through their nationally acclaimed work.

Dawna Speers

Dawna is a member of the *Criminal Injuries Compensation Board* and a member of both the board of directors of the victims' rights organizations *CAVEAT* and *Operation Springboard*. She has devoted herself to the cause of victims of crime with a particular focus on preventive education following the murder of her daughter, Monica, who was caught in an abusive relationship. In conjunction with the National Film Board and the *Ontario Women's Directorate*, Dawna produced the award winning video *"A Love that Kills"* which, as an OVC Team Member she uses in her ongoing abuse prevention work throughout Ontario and Canada.

In November 1998, the province announced the creation of the Office for Victims of Crime. This Office serves, and is run by victims of crime and front-line criminal justice professionals who have victim knowledge. The OVC has consulted victims and community service providers across Ontario about the effectiveness of existing services and has identified immediate needs, duplication and services that can be strengthened and better co-ordinated. The OVC Liaison Officers have completed comprehensive consultations of victim services by visiting 316 victim service sites across the province. The Office has mailed out an additional 1200 questionnaires (Appendix #5) to victim service providers that could not be visited on site. In addition, the OVC has received over 165 responses to questionnaires (Appendix #6) from victims of crime.

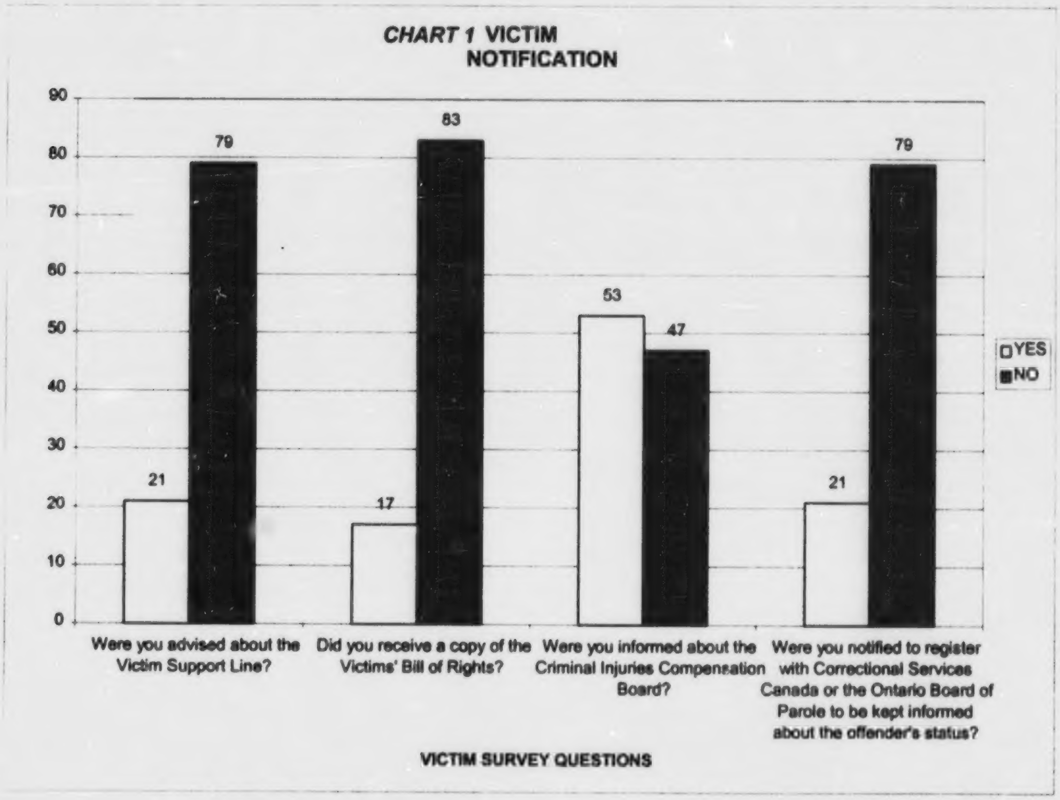
Table One - Number of Victim Service Organizations Visited by the OVC

Victim Service	Total Sites	Sites Visited	Response by Questionnaire
V/WAP	27	25	2
VCARS	21	17	4
Women's Shelters	124	95	29
Sexual Assault Services	63	47	16
Police Services/Chiefs of Police	116	75	41
Legal Community	50	36	14
Education/Community Advocacy	15	8	7
Children/Youth Services	10	9	1
Other – Crisis/Trauma/ Faith Community	10	4	6
Total	436	316	120

3.1 Victim Surveys

The information gleaned from these consultations has been important in preparing the recommendations contained herein. As indicated previously, 165 victims of crime returned surveys to our Office. Of these, 142 were suitable for analysis. The bulk (126) of these surveys included the following victimization categories: homicide, sexual assault, assault and domestic violence with the remainder including, robbery (break and enter and theft), threatening and impaired driving.

It should be noted that this was not a random survey of victims of crime but rather a survey



provided through different victim service agencies. The types of crime listed reflect both the types of victim services that distributed the survey as well as the types of crimes that often obtain victim service intervention.

The questions asked have been broken down into three categories as indicated in the charts: (1) Victim Notification, (2) Court/Offender Information and (3) Victim Support. The consistency of some of the responses within these charts demonstrate that more work needs to be undertaken to ensure that victims receive the necessary information and the best possible service. Invariably, when a victim of crime reports satisfaction with the process, it is usually as a result of victim service providers going the extra mile. It is in that spirit that this information is provided.

At first blush, the responses included in the victim notification chart are somewhat disturbing. Upon reflection, they are better understood when consideration is given to how long some of these programs have been in place. Ultimately, the various victim service agencies are responsible for notifying victims about information and support available and as an example, the *Victim's Bill of Rights* was only enshrined on June 11, 1996 and the Victim Support Line only came into existence in 1997. When survey respondents were asked about whether they received information about the Victim Support Line and *Victims' Bill of Rights,* only 21 and 17 percent respectively answered in the affirmative. However, responses did not improve when it came to questions regarding some of the more firmly entrenched institutions and services for victims of crime. When respondents were asked whether they were notified to register with Correctional Services Canada or the Ontario Board of Parole, in order to receive information about the offender, only 21 percent answered this question in the affirmative.

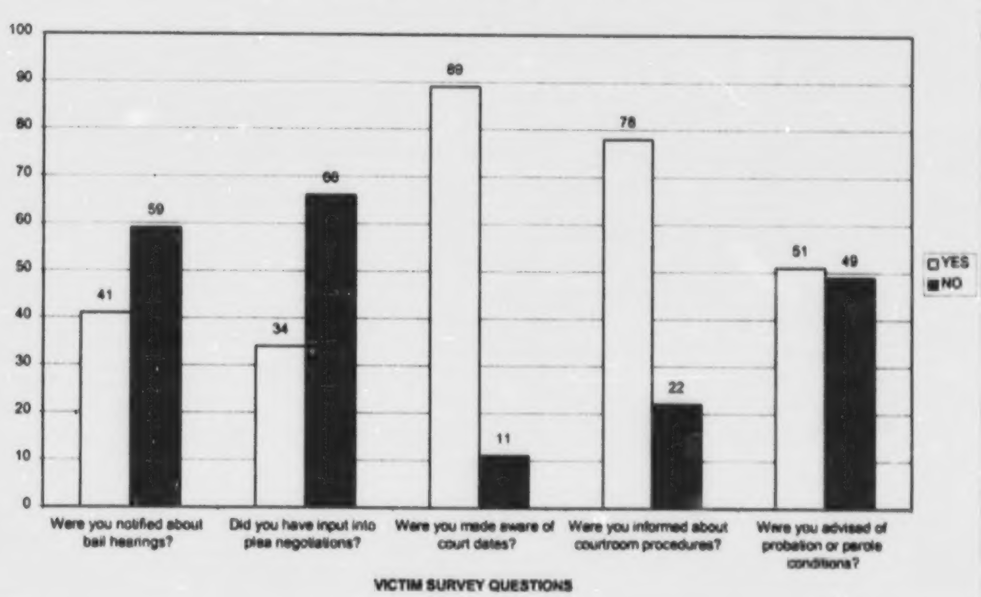


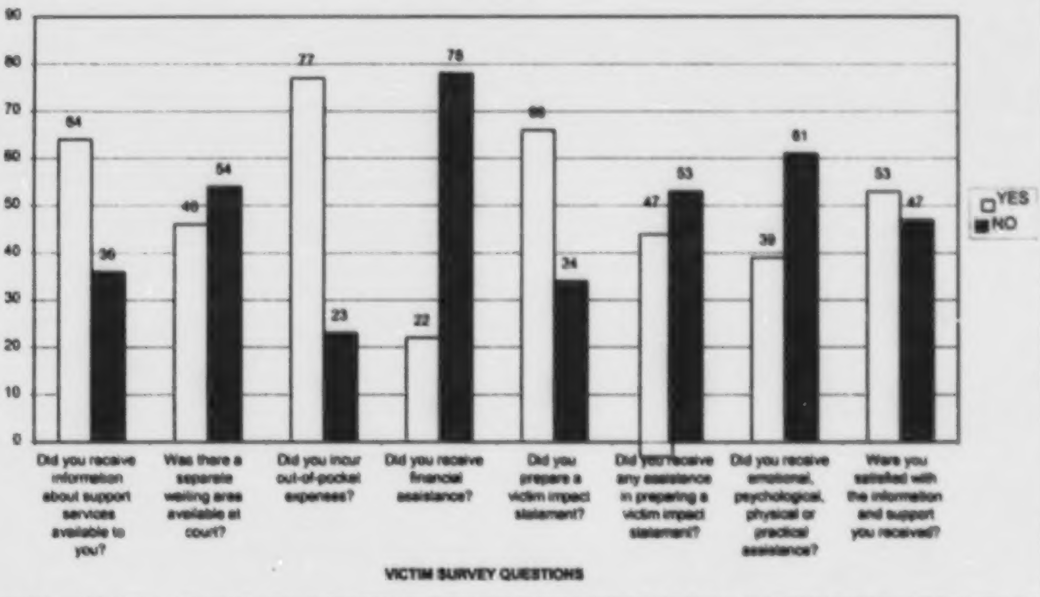
CHART 2 : COURT/OFFENDER INFORMATION

With the creation of provincial victim service standards, it is expected that the gap in providing victims of crime with essential and timely information will be lessened. The numbers improve when it comes to *Criminal Injuries Compensation Board* notification. In place for many years for the purpose of providing compensation to victims of violent crime, 53 percent of respondents advise they received information about the Board.

The percentages are higher when it comes to the provision of court/offender information (see Chart #2). With respect to notification to attend court and follow-up information on courtroom procedures, 89 and 78 percent respectively surveyed, report a positive outcome. The implementation of *Victim/Witness Assistance Programs* throughout the province has contributed to the relaying of important court information to victims of crime who are an essential part of the court process, particularly in their role as witnesses and representatives of the general public. It is unfortunate that as the trial phase comes to an end, so too does the consistency by which victims of crime receive information. On issues of greatest importance to victims of crime and ultimately to their safety, notification of bail hearings, input into plea negotiations and information about probation or parole conditions, the numbers reporting a positive outcome drop to 41, 34 and 51 percent respectively. Again this is an area where crucial information is not being given to victims and the results can be extremely detrimental.

The information generated from survey respondents as it relates to victim support (see Chart #3) was extremely mixed. In fairness, some of the less than positive results are totally beyond the control of traditional victim serving agencies. Other factors such as a lack of resources, a shortage of staff, legislation and policy among other things, impacts significantly on the ability of some

CHART 3: VICTIM SUPPORT

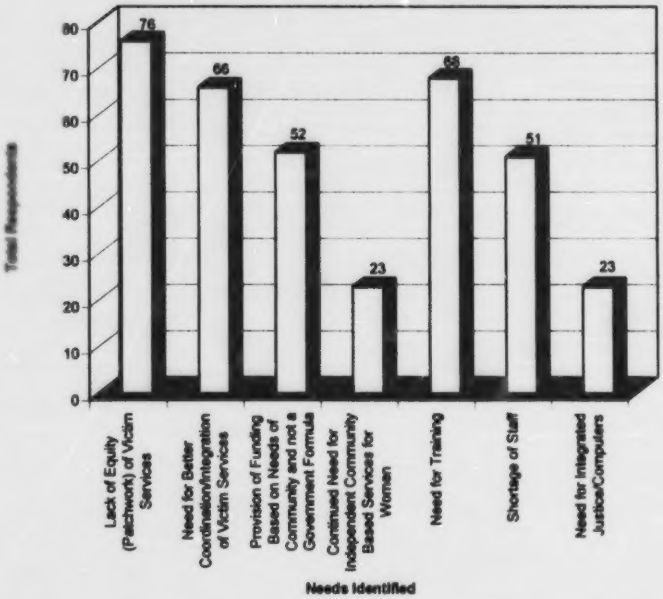


services to provide essential assistance to victims of crime. This is notably relevant for victims of crime attending court. The survey demonstrates that 77 percent of the respondents reported having to incur out-of-pocket expenses in order to attend court. These expenses range from pocket change to thousands of dollars. Most victim service representatives that our Office has consulted with agree that this is a dilemma that requires significant attention. The percentage of respondents that received financial assistance, in whole or in part, was only 22 percent. When asked whether a separate waiting area was provided within the courthouse, more than half of the victims surveyed (54 percent) reported not having access to a separate waiting area of any kind. This is an obvious problem that is discussed in more detail, in Chapter 5 of this report. On a positive note, 66 percent of victims reported preparing a victim impact statement, and 47 percent reported receiving assistance with its preparation. It is encouraging that the recently enacted Criminal Code amendments (C-79) should further enhance the use of victim impact statements. In terms of receiving information about available support services, 64 percent reported in the affirmative but this drops to 39 percent when it comes to the actual emotional, psychological, physical support or practical assistance received. Survey respondents reported an overall satisfaction rate of 53 percent for both the information provided and the support received. To reiterate, with a mediocre overall satisfaction rate of just over 50 percent, more work needs to be done to improve services and supports for victims of crime.

3.2 Victim Service Site Surveys

As indicated earlier, members of the Office for Victims of Crime team visited 316 victim service sites. Although these victim service site surveys were designed to record organizational and other site oriented data, a large number of the sites visited took the opportunity to offer insights and

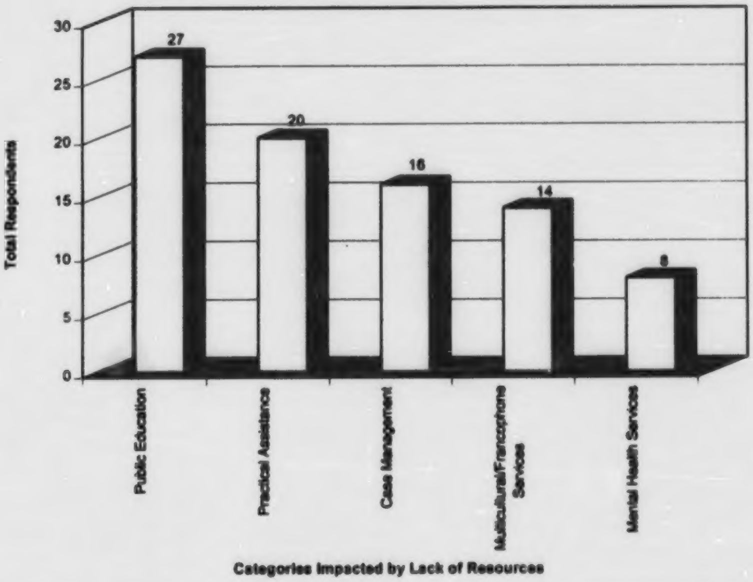
***CHART 4:* NEEDS IDENTIFIED BY VICTIM SERVICE PROVIDERS**



anecdotal information. Of the 316 sites visited, 213 sites provided information about both the needs of the service provider and the impact of a lack of resources on the provision of service. Of the 213 victim service sites, 193 sites responded with respect to the issues identified in Chart #4 and 53 sites responded with respect to the issues identified in Chart # 5. (Total respondents do not equal 213 because of multiple responses by service providers.)

The themes identified in this chart are repeated throughout the report. The need for more staff, training and Integrated Justice/Technology was something we already knew but was reiterated by many victim service providers. The lack of equity (a patchwork) of victim services, the lack of coordination/integration and the ability to customize funding based on the needs of a community and not a government formula, would go a long way to reducing gaps in service that victims of crime face. Again it will be discussed at length, but we would also be remiss if we did not state early on the importance of continuing to provide independent, community based services for women victimized by crime.

***CHART 5:* IMPACT OF LACK OF RESOURCES**



Human nature being what it is, survey respondents identified their needs in greater numbers than the impact of a lack of resources. Despite that fact, the lesser numbers recorded should not be seen as any less of an endorsement. Of particular note is the ability to provide practical assistance, case management, mental health services, Multi-cultural/Francophone services and in part, public education. These issues are made clear in the responses to the victim surveys previously indicated.

The OVC also established a province-wide Toll Free Line[8] for victims who want information on services available to them. When the call comes in, the needs of the particular victim are assessed and an appropriate course of action is taken or an "assisted" referral is made.

The Office has consulted with many third party groups representing service providers and the institutions of the justice system. Included among these were detailed meetings with the *Ontario Coalition of Rape Crisis Centres* and the *Ontario Association of Interval and Transition Houses*. It has been made clear to both groups that while creating a seamless victim service is desirable, this will not translate into the elimination, reduction, or integration of these community-based services. The OVC also had two members serving on the *May/Iles Working Group* and is alert to the issues of domestic violence program implementation arising from the Coroner's jury recommendations. In addition, the Office is aware of the analysis undertaken by the *Joint Committee on Domestic Violence* and, as such, this report is not intended to duplicate the important and issue focused work of that group. This report is a combination of the work, insights and experiences shared by victims, victim service providers, criminal justice professionals and the members of the OVC Team themselves.

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[8] The Office for Victims of Crime Toll Free Line: 1-877-HELP-661

CHAPTER 4

THE HISTORY AND DEVELOPMENT OF VICTIM SERVICES IN ONTARIO

4.1 Introduction

On reflection, the criminal justice system in Ontario could fairly be described as having evolved into a series of more or less related institutions each with responsibility for a relatively clear interest within the context of a public response when a crime is committed. Thus, police investigate the circumstances of crime and prepare a case for prosecution of the offender. Specialized public lawyers conduct the prosecution of the offender before independent judges in accordance with a complex and ever changing set of rules in which demonstrable truth is not determinative of evidentiary admissibility. If convicted, multiple levels of other judges may review either the process of conviction/acquittal or the "fitness" of the sentence imposed. Following the expiration of all of the foregoing, for those offenders incarcerated, a publicly administered corrections process attempts, at public expense, to modify the offender's behaviour in the hope that they will not commit further offences once released from custody which, by law, in almost all cases, will occur prior to the actual time imposed by the court and irrespective of whether the person remains dangerous. Orders made against offenders in the nature of a fine or restitution to victims, although legally enforceable, are regularly ignored without consequence.

The person alleged to have committed the crime is entitled as of a series of legally enforceable rights to be fully aware of any and all aspects in the process which might affect him or her and to be represented by publicly funded legal counsel throughout most of the criminal justice process and to receive the various benefits generated by the process described above.

Crime victims, on the other hand, are not a party to the process, have no right to counsel, enjoy only a limited (and recently acquired) right to speak, if not actually participate, in the process, and are merely *supposed* to receive relevant and timely services, information or compensation arising from their victimization. To the extent that the public institutions of the criminal justice system have any responsibility for victims of crime, it is as an enhancement of their legitimate core functions of investigation, prosecution, adjudication and corrections and not in recognition of the inherent interest of the crime victim.

Originally, crime victims were very much part of the "criminal justice system", in that they were entitled to investigate, prosecute and then sentence those they deemed responsible for the criminal act committed against them. Justice, to put it mildly, was definitely in the eye (and status) of the beholder. Our common law heritage includes the evolution from a chaotic process to one where there is recognition that a public wrong, defined as a crime, is an offence against society as well as a specific individual. This fundamental concept that each of us has an interest in the outcome of individual cases before the administration of justice, rather than merely the person harmed by the crime, is a subtle but profound description of the kind of society we choose to be.

The public interest arising from dealing with incidents of crime includes the obvious public safety benefit of removing dangerous persons from society and the inherent value in affirming a societal commitment to denounce the wrongful conduct including attempting to redress the wrong done. This last component of redressing the wrong done is no recent invention. When the English King, Henry II, established the King's Courts to replace the private settlement of grievances, his part of the "deal" was to ensure that the interests of the aggrieved party would be adequately dealt with. The question for the administration of justice in contemporary Ontario is whether that pledge continues to be met.

Each of the component parts of the criminal justice system in Ontario has, and continues to, evolve. Police no longer prosecute; prosecutions are conducted, for the most part, by public Crown attorneys, courts continually re-organize themselves, publicly funded defense counsel are generally available for accused persons and the Charter of Rights and Freedoms has substantially altered the nature of the criminal trial itself. Each of these institutions plays a significant role in the justice system and each, to varying degrees interact with persons victimized by crime. It must also be recognized that such interaction with crime victims is not, and should not, be the primary focus of those various institutions within the justice system given their other legitimate obligations. This being so, the inherent nature and needs of persons who were the victims of crime were frequently overlooked as the "system" components pursued their mandate and performed their respective jobs. The deficit or gap created was never intentional but it was real nonetheless.

First I was violated by a horrible crime. Then the system did it to me all over again.
Sexual Assault Victim, Toronto

The evolution of the criminal justice system in Ontario insofar as crime victims are concerned can be seen as having been most profoundly influenced by a number of specific developments, which, in combination, have resulted in the current state of affairs. Although clearly still ready for improvement, it should be remembered that today's criminal justice system is significantly advanced in its treatment of victims of crime and, most importantly, like any modern social system, it is constantly evolving and re-orienting itself. The attainment of appropriate services and, a voice for victims of crime is no different.

4.2 Public Compensation for Crime Victims

As the chronology (Appendix #7) which follows details, the first public recognition of unique needs of crime victims was in the 1967 decision by government to provide some limited compensation to persons injured while assisting police officers. By 1969 the requirement of having been injured or killed while assisting a police officer was removed and the beginnings of a general system of public compensation for victims of crime was established that continues up to today. Direct federal financial contribution to crime victim compensation began in 1973 but was revoked in 1992 following the creation of *Victim Fine Surcharges* (VFS) which generates revenues from offenders. No direct federal dollars have been made available for victim compensation since that time.

Public compensation for crime victims is now governed by the Compensation for Victims of Crime Act, which has undergone significant revision since its inception. The scope of victim compensation, timely availability of interim compensation, and the process by which compensation is sought and awarded are all now matters of considerable debate but the principle of public compensation for persons victimized by crime remains fixed.

4.3 The Emergence of Community-Based Shelters and Sexual Assault Centres

For women confronted with violent crime, the difficulties in the past were especially acute. Not only did the violence most frequently occur in the context of a societally sanctioned family relationship, but also the very acceptance of the relationship raised barriers for women seeking protection from the abuse. Thus, when women overcame the disinclination of the society around them to acknowledge the violence as a crime, they frequently encountered a justice system that failed to provide even the most basic protection from their abuser. A systemic "toleration" of the violence was thus exposed resulting in a clear need for safe refuge for women at risk.

At about the same time, some women who had been victims of sexual assault refused to accept the absence of any kind of crisis assistance and began the process of doing themselves what society did not. Once again, the response of the criminal justice system to the women who came forward seeking justice was such as to imply a toleration which further victimized women and continued the risk.

The parallel development of women led services for victims of violence and the emergence of the women's movement in the late 60's and early 70's was no accident. The shared stories of women in those early years included domestic abuse and sexual violence with an equally common experience of failure on the part of the existing criminal justice system to acknowledge and then deal with the crimes being committed against them.

In 1973, the first shelter for abused women opened in Toronto, staffed and funded entirely outside the traditional criminal justice system. In 1974, the first *Ontario Rape Crisis Centre* opened its doors, also in Toronto and it too was consciously distinct from the existing process. From those pioneering efforts grew the features which to this day remain central to shelters and sexual assault centres:

- provision of service to victims unconstrained by exterior artificial parameters (also described as full case management);
- recognition of an essential need for systemic accountability to overcome the toleration of crimes against women;
- active work to prevent future violence against women; and
- maintenance of an independence in order to effectively advocate on behalf of victims that require assistance.

As domestic violence shelters and rape crisis centres continued to open throughout Ontario, provincial organizations formed to assist and promote the individual centres/shelters in their work and their collective goals Both the *Ontario Association of Interval and Transition Houses* (OAITH) (see Map #2) and the *Ontario Coalition of Rape Crisis Centres* (OCRCC) (see Map #3) were established in 1977. The *Ontario Coalition of Rape Crisis Centres* are incorporated as registered charities. The *Ontario Association of Interval and Transition Houses* is incorporated as a non-profit corporation, while most individual local shelters are incorporated as registered charities.

Since their inception, shelters and centres have gradually received core funding, now on an annualized basis, from various government ministries with the Ministry of the Solicitor General having primary responsibility for sexual assault centres, the Ministry of Health and Long Term Care with funding responsibility for Sexual Assault Treatment Centres, while the Ministry of Community and Social Services fund domestic violence shelters and anti-violence programs. All shelters and centres continue to raise funds locally in addition to the public funding they receive.

In many ways, the evolution of these gender-based services have been the clearest example of effective victim services that operate independently of the institutions of the criminal justice system.

4.4 The Charter of Rights and Freedoms

It has been said that the advent of the Charter of Rights and Freedoms in the early 1980's altered the face of the Canadian criminal justice system beyond any expectations of its original proponents. Whether this is true or not, for crime victims, the impact of the Charter on the criminal process and their involvement with it has been profound. As trial and appeal courts "discovered" the meaning of seemingly innocuous phrases of the new law, the original purpose of the criminal trial for crime victims became less relevant.

Courts became centered on ensuring that frequently changing legal standards were achieved by police in gathering evidence, with a consequence of suppression of the truth if they were not. The result has been to shift the trial focus from what did the accused do to what did the police (or more recently Crown or third parties) do, or not do, as they discharged their duties. Not surprisingly, this complex and after the fact procedural priority has produced a number of consequences. These include:

- a significant increase in the demands on police and Crown resources to meet new constitutional obligations;
- serious delays in the criminal trial process while these new legal imperatives are explored (ironically, delaying too much is itself a fatal error resulting in criminal charges being stayed);
- increased pressure on Crowns to seek or accept pleas on lesser offences as a means of dealing with the new Charter focused process;
- further erosion of the confidence victims (and the public) place in the justice system when charges are stayed or dismissed due to exclusion of evidence or procedural rulings;
- increased sense of lack of accountability as the decision making becomes driven by Charter rulings or anticipated Charter rulings;
- dramatically increased need for victims to be informed of what and why developments are occurring in criminal cases; and
- a strong perception that a subjugation of both the victim and public (safety) interest to offender interest has occurred by reference to the Charter.

In summary, the Charter and its interpretation by Canadian courts has significantly altered how crime victims are, or should be, treated by the criminal justice system. The two main institutions with which crime victims interact following their victimization (police and Crown) have been equally affected and are in an ongoing process to respond to their increasingly burdened and complex roles.

> *Our frustration is with the justice system. It has been five years since our granddaughter has been murdered and still no trial. The lawyer is continually stalling.*
> **Grandparents of Murder Victim, Cornwall**

Ironically, the stirrings of using the Charter to protect *victim* interests is now underway. Families of murder victims have recently fought to be heard in relation to public access to evidence involving their murdered children. Other victims have sought enforcement of the principles of the Ontario Victims' Bill of Rights (VBR) not only as a statutory direction but also on the basis of a Charter imposed protection afforded victims of crime. Women who are victims of sexual assault or domestic violence seek equal protection of the law in the manner in which decisions like charging, bail, sentencing and access to medical records are made. One thing is certain. The use of the Charter by victims of crime to assert their interests outside of reliance on the institutions of the criminal justice system has arrived.

4.5 The Victims' Movement

The mid-1980's and 1990's saw an emergence of crime victim organizations across Canada separate and distinct from the growth of women's anti-violence efforts. Generally, each of the victim groups arose following a particular crime inflicted on individuals. Like the women's movement before it, these crime victims did not so much choose the independent route in which they continue to operate but rather, discovered an innate hostility within the criminal justice system towards their inquiries. Previously unquestioned practices like bail, plea-bargaining, sentencing and parole, all came under a scrutiny hitherto unimagined. Frequently, crime victims sought answers as to how a particular offender had come to be in the position to commit the offence, which had victimized them. When the answers were not forthcoming or were less than accurate, the dynamics of the victims' movement were born. Publicly demanding answers to specific questions, detailed articulation of what needed to be fixed and concrete suggestions for necessary improvements so as to prevent similar tragedies in the future, literally became a formula for change. Victims organizations also very quickly appreciated the need for accurate media focus on individual cases and the issues underlying them as a means to get the attention of those with power to direct reforms.

> *The officer said he would keep me informed. I believed him. A few months later I hadn't heard anything so I called the court. I found out that he had been put on probation. I had no input into the order. I didn't get the opportunity to provide a victim impact statement on behalf of my son. I was betrayed.*
> **Mother of Child Sexual Assault Victim, Eastern Ontario**

Insistence on timely, relevant and accurate information, for example, is fundamentally necessary to reduce further harm to crime victims arising from their impending involvement in the criminal justice process and to improve the public systems themselves. This dual nature of improving treatment of victims once the crime had occurred and candidly examining laws and policies which may have contributed to the crime being committed in the first place also emerged as a guiding principle for victim organizations. As such, the analysis and usually very public work of such groups included both federal areas of jurisdiction like the Criminal Code of Canada, the Corrections and Conditional Release Act (and its predecessors) and provincial jurisdiction arising from the administration of justice duties.

Accountability in the criminal justice system was also identified by crime victim organizations as all too frequently sadly lacking. While progress here is complicated by the necessity of retaining the essential independence of decision-makers, including their legitimate discretionary authority, resort to civil courts by way of negligence claims is no longer uncommon. Added to increased use of civil courts as a remedy against offenders (facilitated by the Ontario *Victims' Bill of Rights* (VBR)) increased accountability for those responsible for victimization has taken hold as possible in Ontario. (Revision of the *Rules of Civil Practice* so as to permit contingency billing such as is in place in other Canadian jurisdictions remains an issue of considerable importance).

Ontario was also unique in Canada in that its Coroner's Office undertook a number of Coroner's Inquests, which examined the circumstances of the death of the crime victim, as well as the systemic failures which occasioned these deaths:

- Tema Conter (federal parole);
- Jonathan Yeo (bail, mental health/criminal justice interaction);
- Christopher Stephenson (federal corrections and parole, high risk offenders); and
- Arlene May and Randy Isles (bail, police practices, domestic violence).

These inquests provided an invaluable look into various aspects of the criminal justice system in Ontario. While deficiencies clearly remain, the Coroner's Inquest process with its focus on finding out exactly what happened and why, and then making specific recommendations *to prevent such tragedies in the future,* are a systemic manifestation of what victim groups have sought from their advent.

There can be no doubt that the track record of public safety legislation and victim rights improvements since the late 80's are at least partially due to the efforts of crime victims and the organizations that grew up in support of them. These efforts, and those of the women's anti-violence groups, had the dual effect of vastly increasing public (and thereby political) awareness of such issues and dramatically advancing the expectations of persons victimized by crime in their dealings with the criminal justice system. Something that is now common place, victims actually making a statement at the sentencing of an offender, through a Victim Impact Statement, (Appendix #8) is actually of rather recent invention and due to the intense efforts of crime victims to achieve this voice. Efforts to improve this, like ensuring that victims have a *right* to present such a statement orally, if they choose, were obtained only this year in recent federal amendments to the Criminal Code. Achieving this same standing at parole hearings is still on the list of items left to be accomplished but victims and organizations like the Office for Victims of Crime and others remain in the forefront of seeking improved treatment for victims of crime.

Victim organizations worked not only in legislative or policy forums but also in provision of what is now recognized as basic victim services. Counselling, court accompaniment, seeking information, transportation, childcare, service referral, compensation/restitution assistance, and dealing with the police, crown, and parole authorities all became tasks which many victim organizations quietly but effectively undertook. Virtually all were organized as charities and run locally. Significantly, all were originally funded without any direct government assistance in recognition of their need to be independent of the public institutions that they questioned. While this remains so in the area of systemic advocacy and public policy reform, victim organizations, and government now recognize that the vital public education and training which underscore victimization prevention, can often best be accomplished in partnership.

4.6 The Growth of Public Victim Services

At the same time that these events were transpiring, government moved into the direct provision of services for victims of crime. In 1987 the Government of Ontario launched pilot projects designed to assist victims of crime in their dealings with the criminal justice system. The *Victim/Witness Assistance Program* (V/WAP) began operating out of ten selected Crown Attorney's offices and was expanded to two further sites in 1989 when the program was given permanent status. Since that time, and especially since 1996, V/WAP has expanded to 26 sites and recently received further funding to expand the services it is currently able to provide. V/WAP is a program of the Ministry of the Attorney General (MAG) and thus not created or defined in any legislation. Its program activities are wholly funded by the *Victims' Justice Fund* (VJF) with current expenditures of $5.4 million dollars. V/WAP provides assistance to crime victims where criminal charges have been laid and the matter has proceeded to court for prosecution. Its description of services include:

- providing courtroom orientation;
- explaining terminology and process;
- assisting in the preparation of a Victim Impact Statement and obtaining a compensation application;
- referrals for counselling and other services;
- providing relevant court documentation;
- advocating for clients with Crowns and police; and
- offering short-term emotional support.

V/WAP also has a more general mandate to engage in public education and development and co-ordination of services for victims of crime as well as providing legal and policy advice to Crown Attorneys and the Ministry on victims' issues. V/WAP was originally administratively housed within the Criminal Law Division of MAG but subsequently transferred to Family Justice Services Division in recognition of the different priorities of the two Divisions.

Having someone in court to help us understand the process was really appreciated. The victim witness program helped us through something we just didn't understand.
Impaired Driving Victim, Owen Sound

V/WAP has become a significant part of the effort against domestic and sexual violence and is an integral part of specialized *Domestic Violence Courts* and provision of training to Sexual Assault and Domestic Violence Coordinators now present in each Crown office throughout the Province.

The VCARS program came into existence in 1987 to provide immediate assistance to victims of crime or disaster on a 24 hour a day, 7 days a week basis. Housed within the Ministry of the Solicitor General (MSG) from the outset, VCARS was, and is, a program that recognizes both the essential need for immediate assistance for some victims of crime and the reality that such intervention was linked with the police who are most frequently the first contact the victim has with the public institutions of the criminal justice system.

In 1992, a significant change was made when government, recognizing that communities were best able to serve victims in appropriate and flexible ways, determined to move the VCARS program out of the sphere of direct government service and divest it to community-based Boards of Directors. This divestment phase culminated in 1995 with the incorporation of independent VCARS organizations supported through transfer payments from the MSG.

From their inception, VCARS has grown from 3 pilot sites to 21 Ministry funded programs. It must be made clear that a VCARS type function (not to be confused with the VCARS program) is being performed in many other locations throughout Ontario without provincial funding under the VCARS program. As noted in *Chapter 5*, a growing but still incomplete number of police services, have instituted their own victim service units whose functions are similar to those of established VCARS programs. While this can fairly be viewed as duplicate service in some instances, it is also a clear signal of the inherent wisdom of the fundamental principles of the VCARS/Victim Services Unit approach in combination with police based victim services.

Public services for victims of crime also include the Victim Support Line[9] (VSL) launched in November 1996 by the Ministry of the Solicitor General. Essentially an information service, the VSL features:

- a Victim Notification System to provide comprehensive but defined information and status updates on offenders to victims, (includes facilitating contact with the Ontario Board of Parole);
- support and service line to directly connect victims to local services they may require;
- general information line in relation to the Criminal Justice System; and
- Office for Victims of Crime contact line.

The VSL operates out of Toronto on a 24/7 basis and has a budget of $1.5-million wholly covered by the VJF.

The government of Ontario also funds and operates a host of other victim services targeted to preventing violence against women and their children. The *Violence Against Women Prevention Initiatives* (VAWP) evolved over the past fifteen years from two separate initiatives. The original initiative began in 1986 and was designed to coordinate and fund many programs to assist female victims of assault. This was called the *Wife Assault Prevention Initiative* and became a part of a larger program that grew to include the *Sexual Assault Initiative.*

As a direct result of the success of this multi-ministry initiative, the *Agenda for Action* marked the amalgamation of the OWD's violence prevention initiatives into a larger and more comprehensive framework for addressing violence against women and their children. The *Ontario Women's Directorate* in consultation with ten other provincial ministries developed the *Agenda for Action* in 1997.

The significance of this entry by government into victim services is that it confirmed the growing need for public involvement to directly assist victims of crime and not simply as an additional duty given to the already stretched Crown and police. Their existence, since their inception, has also confirmed that the trauma of interaction with the justice system could be reduced and, quite apart from any moral obligation to assist crime victims, the public justice system works better when victims of crime encounter a process that helps more than hurts.

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[9] The Victim Support Line: 1-888-579-2888

4.7 Legislated Duties to Victims of Crime

As virtually the first front line public service involved with victims of crime it is perhaps not surprising that police services in Ontario were the first justice institution to receive legislative direction respecting victims of crime and a provision that providing for their needs was a core principle. It may also simply be a reflection that police services in Ontario are far more governed by legislation and public policy directive than all other justice sector institutions. Indeed, some have suggested that if the accountability standards in place for the police in Ontario were applied to the other players in the system (Crown, Courts, Bar, Corrections and Parole) that it would be a far different criminal justice system than the one we currently enjoy. Whether this is so or not, the first inclusion of this mandate to Ontario's police came in the then newly created Police Services Act where Section 1 described a "*Declaration of Principles*" as:

> *"Police services shall be provided throughout Ontario in accordance with the following principles...*
>
> *(4) The importance of respect for victims of crime and understanding of their needs"*

While this was obviously a rather subjective statement, it was included in the same list of principles to guide police services like solving and preventing crime. Scarcely noted at the time, this inclusion signaled a recognition of crime victims and their needs in an unprecedented fashion. More significantly, it was the potential beginning of real enforceability of victim interests within the Ontario criminal justice system.

The Police Services Act underwent further revision in 1997 and changes that year saw the police obligation to provide assistance to victims of crime elevated to a core principle which must be present for a police service to be deemed "adequate and effective". This measure of "adequate and effective" is no longer subjective best wishes but instead, as the statute makes clear, a prerequisite for existence or continuation as a police service in Ontario.

To date, specified standards for satisfaction of these core services in relation to victims have not been presented and it appears that they are only scheduled for January 2001. (Section 2(4) of the Victims' Bill of Rights contemplates such standards enacted pursuant to section 135(1) of the Police Services Act.) This report will discuss the implications of this requirement, but the significance of including assistance to victims of crime among mandated police duties cannot be overstated. For once, rather than detail what victims should get from the justice system, the law has opened the door to defining what the justice system officials must do in dealing with victims of crime.

The other institution of the criminal justice system that has now come under statutory purview, insofar as it has dealings with victims of crime, is the Crown, in all its component parts, during a criminal prosecution. Much of the specific direction of the *Victims' Bill of Rights* can be completed by persons other than the crown prosecutor but some clearly contemplate that persons involvement with the crime victim and for a particular purpose. This face to face contact is by no means new for prosecutors in Ontario but what is different is a statutory enunciation that victims "should" receive such treatment. This statute does not create legally enforceable rights for victims of crime nor legally enforceable obligations on justice officials. (This view was recently confirmed by Mr. Justice Day in *Vanscoy, Even and Christie v. The Queen (1999)*). It does however provide a standard of expected service against which actions, and inactions can be measured which is an improvement from the past. Whether such statements of principle are sufficient today will be discussed later in the report.

The developments on behalf of victims of crime discussed in this chapter, are the starting points for this report. Better coordination of the existing victim services is the logical next step in the evolution and improvement detailed so far.

4.8 The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Ontario and Canada are not alone in our experience and our evolution of services for victims of crime.

On November 29, 1985, the United Nations adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. The *Declaration* is based on the philosophy that victims should be treated with compassion and respect for their dignity, and that they are entitled to prompt redress for the harm that they have suffered through access to the criminal justice system, reparation, and services that will assist their recovery.

The *Declaration* recommends measures to be taken on behalf of victims of crime at the international, regional, and national levels to improve access to justice and fair treatment, restitution, compensation, and assistance. It also outlines the main steps to be taken to prevent victimization linked to abuses of power and to provide remedies for the victims.

On April 1998, the United Nations released its *Handbook on Justice For Victims* (Appendix #9) to provide guidance on the use and application of the *Declaration*. This handbook was designed as a tool for implementing victim service programs, and for developing victim-sensitive policies, procedures and protocols for criminal justice agencies and others who come into contact with victims.

Based on contributions from 40 countries, the document confirms much of Ontario's experience. It illustrates that one effective way to address the many needs of crime victims is to establish programs that provide social, psychological, emotional and financial support, and effectively help victims within criminal justice and social institutions.

The first of many important goals identified in the Handbook speak volumes:

> *All victim assistance providers and policymakers should understand the impact of victimization in order to promote understanding of the need for assistance.*

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

A. VICTIMS OF CRIME

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.
2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.
3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.
5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.
6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
    a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;
    b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
    c) Providing proper assistance to victims throughout the legal process;
    d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
    e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.
7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the

restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.
10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.
11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:
    a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
    b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.
13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.
15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.
16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.
17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. VICTIMS OF ABUSE OF POWER

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.
19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.
20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.
21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

CHAPTER 5

A SECTORAL ANALYSIS OF CURRENT VICTIM SERVICES IN ONTARIO

5.1 Introduction

The review of existing services undertaken by the Office for Victims of Crime (OVC), necessarily included those who were currently providing services to victims of crime. While every effort was made to meet with all such groups, we recognized that the sheer volume of service providers made that impossible. Further, given the lack of a single "victim service", we discovered organizations involved in services for victims of crime that were not initially identified as such. In addition, the review was meant to specifically provide these front line workers with an opportunity to provide their recommendations as to what services need improvement and how that might best be accomplished. These insights, perhaps not surprisingly, are frequently common, irrespective of which agency or institution the persons interviewed represented. Thus, they are offered, along with pertinent observations of victims of crime in addition to the basic legislative or policy background in which a service operates and the statistical data gathered during the survey itself. Finally, the on-site visits and other consultations provided our Office team members with the opportunity to identify key components of victim services which need to be present in any future comprehensive service model. Whether defined by form or function, the constituent elements of an attainable and effective victim service do exist. Our challenge, with this report, is to demonstrate the various ways possible in which to bring those elements together for the benefit of victims of crime.

Not all issues relevant to dealing with victims of crime can, of course, be captured by looking at the various sectors or institutions with which victims interact. Accordingly, larger substantive issues may also be featured in the analysis of the institution that most closely deals with the subject in question. Where common themes emerged about a particular sector from interviews with other agencies that interact with it, those observations may be included in that portion of the analysis so that some coherence to this broad subject can be maintained. In general terms, this analysis is organized by reference to the specific Ministries of government with responsibility for particular victim services, but overlap and cross Ministry involvement is by no means uncommon. We have attempted to identify such circumstances where they occur, most notably with the funding role of the *Ontario Women's Directorate* (OWD). Ironically, what emerges from this broad review therefore is an analysis of the entire criminal justice system but from the perspective of the victim of crime and those who work to assist them. Once again, not surprisingly, the result, in our opinion, is a refreshingly frank look at what many take for granted.

5.2 Ministry of the Solicitor General

Introduction

Services for victims of crime inherently involve the police given the event which creates the victimization. In Ontario, this involvement can take the form of being an actual part of the police service or where the police participate in a community based model in the areas where their involvement is crucial. Both have aspects which are advantageous and both are viable means for the effective delivery of services to victims of crime. What is clear, (recognized by recent amendments to the *Police Services Act*) is that whatever model is chosen, police participation is essential.

Table Two - Ministry of the Solicitor General – Support to Victims of Crime (in $'s million – includes Ministry of Corrections Victim Services)

Program	**1997/98**	**1998/99**	**1999/00**
Victim Service Unit (Corp.)	0.51	0.35	0.35
Victim Crisis Assistance and Referral Program (VCARS)	3.43	3.95	4.01
Victim Support Line	1.50	1.49	1,43
Partner Assault Response (PARS) Associated with DVCs	0.40	0.84	1.26
Partner Assault Response (PARS) Associated with P&P Programs	0.88	0.63	1.01
Sexual Assault Program	0. 50	0.50	0.50
Sexual Assault/Rape Crisis Centres Grants (Core + FLS)	9.23	9.15	9.06
Victim Awareness/Education	0.19	0.19	0.19
SupportLink	0.06	0.06	0.06
Violence Awareness Programs For Women	0.10	0.10	0.10
Correctional Programs	0.16	0.16	0.16
Community Victim Improvement Program Grants	0.50	0.50	0.50
Total	**17.46**	**17.91**	**18.64**

Police-Based Services

Public policing in Ontario is provided by either municipal, regional, provincial or First Nations police services. Their conduct, duties and obligations are spelled out in the *Police Services Act* and regulations enacted pursuant thereto. Each police service also maintains its own *Service Policies and Procedures* (called different names) which, to varying degrees, provide the specifics of how police duties are to be carried out by both police services and individual police officers. Professional police associations that represent police officers in Ontario negotiate with the employer to reach a collective agreement that affects the work environment of police officers.

All police services in Ontario make use of civilian members who, although not sworn peace officers pursuant to the *Criminal Code of Canada*, perform duties integral to the police service especially in relation to dealing with the public including victims of crime.

There are 120 municipally structured (including regional municipalities and the Niagara Parks Police Service) police services, First Nations Police Services and the Ontario Provincial Police (OPP) all providing policing services within the province. Police services are more often than not the point of first contact for victims of crime following the commission of a criminal offence. As such, independent and in advance of the statutory direction contained in amendments to the *Police Services Act* (discussed below), police services have a tradition of dealing with crime victims and their needs quite apart from as complainants and witnesses. Although obvious, this "first point of contact" reality, which necessarily attaches to police services, is an extremely important feature to keep in mind during any analysis of how to better improve services for victims of crime. The criminal justice process, in which the police play a varying role during the entirety of the process, is a continuum for victims often stretching out over months if not years. Although not part of the Crown Attorney's office or even directly answerable to the Attorney General, police services in Ontario maintain a close, if varying, role with local prosecutor's offices. Information is exchanged between police and prosecutors including matters pertaining to crime victims. Both the police and the Crown are currently engaged in discussions on means to improve their interaction through such measures as standardized court briefs and disclosure responsibility. Given the clear responsibilities for both institutions in relation to victims of crime, clarity as to responsibility for specific actions in this area should be added to the measures under review.

Table Three - Results of Interviews on Victim Services with Police Chiefs/Senior Police Officials

Number of Officials Interviewed		**41**
Victim Service Protocol in Existence		**69%**
Work with VCARS Programs		**60%**
Force has a Relationship with Community Based Victim Service Programs		**41%**
Gaps Identified	**More Sexual Assault Services**	**9%**
	More Victim Services	**38%**
	More Mental Health Services	**38%**
	Need for More Transportation Services for Victims	**69%**
	Need for Greater Victim Service Co-ordination	**44%**
	More Initiatives to Combat Domestic Violence	**22%**
	Need for More Education on Victim Service Needs	**81%**

Note: Percentages add up to more than 100% since respondents identified multiple categories.

For 5 long years I have felt supported and informed. If the police, victim witness assistance and the crown attorney hadn't been so helpful, from the start, I can't imagine how I would have managed this nightmare.
Death Threat Victim, Hamilton

It has frequently been observed that the justice system for victims and the public interest alike, tends to work better when things get on the right track *from the outset.* Conversely, matters not handled properly at the outset, frequently end up as "slipping through the cracks" or being "one of those things" that cause concern among the public about the justice system itself. Put simply, getting it right early and designing systems to maximize the likelihood of doing so, is fundamentally important to the success of preventing re-victimization by the justice system. The fact that police services are the only public institutions of the criminal justice system with specific statutory responsibility for providing assistance to victims is a significant consideration in any redesign or enhancement of victim services.

This responsibility is listed among the minimum requirements for a police service in Ontario to meet the adequate and effective standards themselves required in order to be approved to operate s.4(2) of the Police Services Act. This assignment of financial responsibility to municipalities (or the Solicitor General for the OPP) for "administration and infrastructure" ancillary to assisting victims of crime is extremely significant. This report details substantial untapped revenues from which funding to meet these statutory duties could come. Recovering these revenues will require municipal/provincial co-operation but the alternative is increased costs for both jurisdictions. Clearly, working together and making lost revenue recovery a priority is required. The *Act* specifically empowers the Ministry of the Solicitor General (MSG), to make regulations to attain the necessary standards (s.135) and assigns responsibility to the Minister to ensure that police forces are meeting the adequate and effective service levels, including providing assistance to victims of crime. Municipalities (and the Ontario Provincial Police or Minister in the areas for which it has a policing mandate) are responsible for providing the police services in their jurisdiction:

> *"...all the administration and infrastructure necessary for supplying such services..."(s.4(3))*

Finally, each police officer within the Province of Ontario has listed among their statutory duties,

> *(c) "assisting victims of crime" (s.42(1)).*

How the Solicitor General, municipalities, police services and individual police officers best discharge their duties in relation to victims of crime is an evolving question to which this report will hopefully contribute. That such duties exist is, however, the appropriate starting point.

In response to this no doubt, the Ministry of the Solicitor General has undertaken a *Partners Serving Victims Project* managed out of the Victim Services Unit (VSU). Its work appears to have predated the Police Services Act amendments, beginning in 1996 and continuing to this date. We pause to comment on its existence, as its work and goals are closely aligned with the ultimate recommendations of our Office.

The *Partners Serving Victims Project* began in 1997 shortly after the proclamation of ***An Act Respecting Victims of Crime***. Its mandate was to "provide assistance and support to police agencies in Ontario in providing assistance to victims of crime in accordance with applicable legislation". This team is examining this process through four sub-committees:

- Marketing and Communications;
- Education, Awareness and Training;
- Service Delivery Model Options; and
- Resource Implications.

and is representative of all policing services in Ontario (Regional, Municipal, Provincial and First Nations as well as the Ministry of the Solicitor General – Victim Services Unit staff).

In addition, *Partners Serving Victims Project* joined with "*Project Campbell*"[10] in providing training on the role and functions of the "Victim Liaison Officer" at the Major Case Management Course. This was accomplished through a partnership with the police, Ministry of the Solicitor General –Victim Services Unit and Ministry of the Attorney General (MAG) – *Victim/Witness Assistance Programs* (V/WAP). Part of the specific purpose of our Office's work was to take note of all of the various programs and initiatives on behalf of crime victims underway within the Government and avoid either duplication or re-inventing existing "wheels". It appears to us that combining the work of this group with broader recommendations of this report will result in significant, practical progress in an environment where such has not always been the case.

Assigning a responsibility to a police service by way of legislation is by no means a guarantee that the desired result will be achieved. The other necessary ingredients for success include, training, leadership and, most importantly, the financial resources to do the job. By adding "providing assistance to victims" to the core function of all police services in Ontario, the provincial government has created a situation where it must re-examine the funding available to police services to complete this task at least in the transitional phase. This report will detail ways in which we believe new revenues can be realized but, whether that occurs or not, the laudable provincial decision to mandate victim services as a core competency carries with it a concurrent financial obligation to ensure the goals can be met.

As Map 4 illustrates (Funding Types), Police-based victim services in Ontario are inconsistent. Notwithstanding the statutory obligation referred to above, entire regions of the province have no police victim service units in operation. Those that do are, for the most part, larger police services although exceptions exist. Frequently, it is the priorities of police management that dictate whether and of what quality, police-based victim services will be.

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[10] In 1997, the Solicitor General of Ontario established the *Project Team* to implement the recommendations of Justice Campbell's Report into the Bernardo investigation. The resulting Major Case Management System mandated the training of police officers in several components of major crime, one of which was the creation of the "Victim Liaison Officer" (VLO). The responsibility of the VLO is to ensure that the defined policies and procedures standard for the treatment of victims of crime and their families as well as duties under the VBR and *Police Services Act* are adhered to.

Table Four - Profile of Police-based Victim Services Interviewed in Survey

Basic Data:	**Number of Police Services Interviewed**	**75**
	Number of Organizations in Survey that Provide Police-based Victim Services	**17**
	Person's Employed*	**133.5**
	Number of Volunteers*	**133**
	1996 Number of Victims Served*	**9,948**
	1997 Number of Victims Served*	**13,605**
	1998 Number of Victims Served*	**11,570**
Services Provided as Identified by Service Providers:	**Homicide**	**65%**
	Sexual Assault	**88%**
	Domestic Violence	**82%**
	Threats/ Stalking	**76%**
	Assault	**76%**
	Robbery	**65%**
	Break and Enter	**71%**
	Theft/ Fraud/ Property	**47%**
	Impaired Driving	**47%**
	Hate Crimes	**41%**
	Child Abductions/Missing Persons	**41%**
Services Provided To:	**Seniors**	**65%**
	Disabled	**41%**
	Gay and Lesbian	**41%**
	Gender Specific	**82%**
	Children	**71%**
	Cultural	**35%**
Nature of the Service Provided:	**Crisis Intervention**	**76%**
	Information and Referral	**76%**
	Counselling	**24%**
	Follow-up	**59%**
	Legal Assistance	**24%**
	Public Education/Advocacy	**47%**
	Practical Assistance	**41%**
	Pre Charge	**65%**
	Post Charge	**59%**
	Pre Court	**59%**
	Court	**41%**
	Pre Sentence	**47%**
	Post Sentence	**35%**
	Compensation/ Restitution	**35%**

***Note:* Not all respondents reported data.**

A number of common operational features can be discerned including:

- primary focus on crisis intervention with crime victims;
- some initial counselling provided;
- use of civilian members in VSU;
- mandated victim follow-up after the event with some time parameters;
- some criminal injuries compensation application assistance;
- some follow through during criminal trial, appeal and parole process;
- some focus on assisting in ensuring restitution;
- some preventive information provided following victimization
- participation in local co-ordination efforts;
- reliance on referrals to other agencies but little or no check to ensure service continued;
- significant recruitment and retention of volunteers;
- attempt to serve all crime victims where possible;
- priority on supplying accurate, timely information;
- sited within police service;
- public education/training a varying priority;
- service available to victims of tragedy; and
- some specialized services (highway, traffic, seniors).

Additionally, systemic observations from police officers and police-based victim service personnel merit notice as well. They include:

- use of victim services frees up police officers for other duties;

- early effective contact and support of crime victim not only beneficial to crime victim but also to investigation and prosecution of offender;
- frustration with inability to assist crime victims in securing timely compensation either through *Criminal Injuries Compensation Board* (CICB), or through enforcement of court orders;
- increased full time Crowns and administrative support staff in local Crown offices would dramatically improve victim interests and success of prosecutions generally (since noting this observation, the government has commenced the hiring of an additional 60 full time prosecutors which addresses much of this concern);
- a significant increase in the requirement to attend before justices of the peace (mandated by various Supreme Court of Canada rulings) but no comparable increase in the number of Justices of the Peace, their availability or training in areas fundamental to police duties;
- a clear perception that the overall credibility of the criminal justice system is eroded due to the lack of accountability in relation to some decisions (including both verdicts and sentences) made by judges and that a more assertive approach to Crown appeals is desirable;
- no funding from the *Victims' Justice Fund* (VJF) despite nature of work performed (yet some funding from other Ministries under various creative initiatives);
- priority given to quality of service and expertise of VSU personnel;
- irregular use of written protocols with other service agencies;
- VSU flourished where supported by police management;
- VSU staff have daily access to occurrence reports from police;
- some practice of "satellite" offices;
- capacity to expand service if resources and mandate increased; and
- absence of provincially mandated police programs generally prevents multi-jurisdictional approach and service.

Connection with the police service is clearly required for any victim service.

This facilitates incidence-occurrence review on a timely basis, police officer interaction with the victim service, "official" sanction of the victim service, crisis intervention, and a far greater buy-in from most victims of crime and police officers. Office space for the victim service within the police premises is also critical, as is participation, where possible, by specially trained civilian members of the police service, recognized as essential personnel, specially designated for this work and supplemented by trained volunteers and linked to a 24/7 call system.

Working with other groups and mutual referrals is one of the commodities of exchange for victim services, including the police component. It should be recorded and not left to subjective interpretation. Such clarity further avoids gaps and significantly enhances accountability thus reducing the after the fact "finger-pointing" which so many victims have described. While simple information referrals are appropriate in cases where victims wish it, the victim service should have the recognized responsibility of assisting victims in the referral process including making the actual contact and follow up as required.

RECOMMENDATION 1: Active police participation in local victim services should be required for any public victim service as well as ensuring that formalized protocols regarding respective duties towards victims of crime are in place for police and other agencies involved in or working with a local victim service.

Police-based services (and others), feature crisis intervention and follow up as a component of victim services which must be maintained. Crisis intervention can include immediate emotional assistance and looking after practical immediate needs of the person or family victimized and assisted referral for any other specialized need (therapy/counselling/shelter, etc.) by reference to a pre-arranged service. Police accompaniment, in appropriate circumstances, or specialized police officer training should also be a part of this aspect of service. Initial victim contact, either directly in the case of accompaniment or by the police officer that advises the victim in writing of the service by leaving material with them should automatically result in the "one time entry" of the victim to the comprehensive victim service. Early and effective contact with victim services not only benefits the victim but also the investigation and prosecution of the offender. At the same time, there must be appropriate victim interaction training of all police personnel, including, for example 911 operators and clerical staff with initial public contact duties. This crisis intervention aspect of service should continue to apply to victims of tragic circumstance.

The current disparity of police-based (and other) victim services across the province must be removed. Any model of victim service should extend service to all victims of crime while recognizing the specific needs of crime victims and thus the response of the victim service may vary, depending on either the nature of the crime or the victim. The vastness of Ontario will further require the use of satellite offices, linked electronically to the local victim service, including the police component.

RECOMMENDATION 2: Crisis intervention and follow-up, where necessary, be mandated as a required function of any model of victim service and serve as a "one time entry" into the entire victim service for the victim of crime encountered.

RECOMMENDATION 3: All victims of crime, wherever situated in the province, should receive victim services which includes a police-based or police linked component and that where required this should include "satellite" offices of a local victim service.

Provision of a comprehensive victim service includes a vital police-based or police linked component. There are vehicles, discussed in *Chapter 6*, which, if acted upon, should create adequate funds for this along with other victim services and law enforcement initiatives. At the same time, it must be stated that to meet the commitment of enhancing victim services in Ontario may require some additional spending at least in the short-term.

RECOMMENDATION 4: Where possible, funding of the police component of the victim services required pursuant to the Police Services Act be derived by municipal/provincial co-operation in recovering revenues identified in this report or through an enhanced Victims' Justice Fund as detailed in this report but, failing that, by provincial funding as required.

During our consultations, we were fortunate enough to have team members visit on site with 75 police services. In addition, we were afforded special sessions with the *Windsor Police Service-Victim Services Unit* and the *Hamilton-Wentworth Police Service-Victim Services Unit* (Appendix #10) both of whom have had unique and valuable experiences in assisting victims of crime. Further, our Office team had three (two former) victim service providers as liaison officers which was of great benefit. We were privileged to meet specifically with the President of the *Ontario Association of Chiefs of Police* (OACP) and their *Victim Services Committee*. Finally, we met with the *Ontario Provincial Police Association* (OPPA) who were helpful in much of the crime/victimization prevention aspects which pertain to police services as well. It should be noted here that the entire police community, including specifically the OACP, the OPPA and the *Police Association of Ontario* (PAO) have been stalwart supporters of crime victims and victim organizations for many years. Their leadership has been a significant factor in the progress made in public safety and victim services in Ontario and Canada over the past number of years and we sincerely appreciate the co-operation and dedication they have afforded to our work.

It has been noted earlier that crime victims have generally sought an improvement in their dealings with the criminal justice system *after* the crime has been committed and reforms to law and policy to prevent others being victimized in the *future*. This dual approach is mirrored in the work of police services. Thus, the capacity and inclination of police services to communicate effectively with each other (much less victims and the public) is a cornerstone to preventing future crime, especially serial crime. The current multi-system incompatibility among police services in Ontario is wholly counterproductive and should be eliminated as a first priority, hopefully in conjunction with the anticipated implementation of the *Integrated Justice Project*. We are aware of the *Major Case Management Project* underway within The Ministry of the Solicitor General which appears to meet the needs of integrated or co-ordinated case management. Given the immense value in crime and victimization prevention which this system represents, implementation of it throughout the province will be a major improvement to current law enforcement and public safety.

As well, Ontario should strive to ensure that its law enforcement information technology supports, and is compatible with, equivalent national systems. Second, targeted enforcement works whether it is applied to impaired driving or high-risk sex offenders. While we applaud the announced *Sex Offender Registry*, there must be a co-ordinated joint-force enforcement unit to deal with these types of high-risk offenders as well as high-risk offenders unlawfully at large (UALs) who are responsible for a volume of serious crime grossly disproportionate to their numbers. Once again, announcing such a squad is not enough. It must also be paid for. The dividends in prevention of victimization and reduction in future investigation and prosecution costs make such an expenditure a truly wise investment.

RECOMMENDATION 5: The Ministry of the Solicitor General should proceed with the establishment of the Ontario Sex Offender Registry and create and fund a province-wide (joint forces) enforcement unit with additional duties to apprehend high-risk/offenders who are unlawfully at large.

The concept of this unit has been advanced from within the policing community (both OPP and municipal forces) and builds on the *Toronto Police Service Repeat Offender Project Enforcement* (R.O.P.E. Squad) and the *OPP Pen Squad*. Targeting this specific group of high-risk offenders, and actually directing resources at those who are unlawfully at large is one of the surest means to reduce serious crime as well as save money by reducing future investigation and prosecution dollars. Funding for this specialized unit should be a provincial responsibility but could easily be covered by the recovery of revenues identified in this report.

Early apprehension of offenders unlawfully at large is genuine crime prevention. It's targeted enforcement and it works.
Inspector Federico,
Toronto Police Service
ROPE Squad

Finally, police are in a unique position to gather empirical data on the profile of those persons that commit crimes in Ontario. If part of our long-term goal includes consistently reviewing the institutions of the justice system itself then measuring such things as offences committed by persons while on bail, probation or parole (federal and provincial) or subject to criminal deportation might well provide insight into where improvements are required. This information could easily be gathered by police at charge and would be invaluable in assessing the performance of these important public institutions from year to year.

RECOMMENDATION 6: The Ministry of the Solicitor General should direct all police forces within Ontario to gather data from persons at time of charge as to whether at the time of the commission of the alleged offence they were on any of bail, probation, conditional release of any kind, or subject to criminal deportation.

In order to provide some insight into the effectiveness of the above-described processes, this data should be gathered and analyzed (following conviction). The Solicitor General should urge the federal government to modify the *Canadian Police Information Centre* (CPIC) system so as to allow the specific notation on criminal records of offenders of offences committed while on bail, probation or conditional release of any kind.

The Ontario Provincial Police (OPP) are a deployed police service with responsibilities across the entire province. Their presence in rural and remote parts of the province is a significant benefit for any victim services plan which contemplates a level of service for all victims of crime wherever they may reside. We have been greatly encouraged by the leadership demonstrated by the OPP to date on development of comprehensive victim services and simply wish to acknowledge that any adequacy and effectiveness standard developed, must take into account the multiple detachment structure of the provincial police. Far from being an obstacle, when combined with the cutting edge information technology of the *Integrated Justice Project* and the tradition of local volunteerism, we believe the deployment of the OPP to be a tremendous opportunity to ensure victim services are finally available to persons across the entire province.

RECOMMENDATION 7: ***The Ministry of the Solicitor General should take steps to ensure that all police services in Ontario have common or compatible communication and information (file management) systems including those detailed in the Major Case Management Project and that this be precisely mandated and enforced pursuant to the adequacy and effectiveness standards required under the Police Services Act.***

Hopefully, this most basic information management component to policing will be accomplished with the delivery of the *Integrated Justice Project*. If it is not, then such a requirement should be mandated for any police service in Ontario in recognition that maintaining such isolation is literally contrary to public safety.

The work of our Office these past months has placed us in close touch with police chiefs, individual officers and victim services personnel who interact on a daily basis with them. There is no doubt whatsoever that the paramount issue in policing in Ontario today can be summed up in one word: *takeovers*. While its ramifications affect everyone that interact with the police, victims and victim services are particularly vulnerable to the disruptions caused by an environment of uncertainty such as is present in many parts of Ontario.

Among the unintended consequences policing uncertainty creates are:

- disruption of the existing service including the hugely important networks of persons that work with police services and for whom continuity is essential;
- creation of a semi-perpetual "contracting" process required by the short term of new contracts and the reality that local council will be receiving competing bids;
- diversion of scarce police resources into this contracting/marketing function;
- erosion of long-standing co-operation between police services out of the natural concern that a local service might thereby jeopardize its status in future contract assessments;
- lowering the standards and services of police in order to submit the lowest bid and "win" the contract; and
- encouragement of "contracting out" of certain core services, again driven by a desire to achieve a cheaper proposal.

The measure of success in policing, like other criminal justice functions such as prosecutions, corrections and victim services, does not lie in financial bottom lines alone. This is perhaps a more adequate way of expressing the adage that "you get what you pay for". In policing, the Province has the leadership responsibility in defining what Ontarians are entitled to "get" by way of police services. Whether by enunciating those adequacy and effectiveness standards (in precise terms) which must be achieved ***"at a minimum"***, to use the words of the Police Services Act, or by fixing

It is imperative that front line officers, at the recruit level, receive extensive training in victimization, to enable them to be sensitive and compassionate to victims of crime.
Staff Sgt. Renaud,
Windsor Police Service

objective numerical pre-conditions for certain kinds of police service, we urge the Province to treat this matter as a priority of the first order. As one recent public commentary noted,

> *"Taxpayers know it costs money to investigate, prosecute and lock up criminals, but that public safety is worth the price."* [11]

With respect, we couldn't agree more.

Locating the dollars to accomplish goals is a necessary component of any successful strategy. Enforcing financial orders of criminal courts that are being ignored, serves the double purpose of deterrence and revenue generation, not to mention maintaining the credibility of the system that made the order in the first place. At the same time, giving a priority to enforcing the terms of bail and probation enhances the public and victim interests frequently involved when such orders are made. In short, there should be a clear appreciation that when a criminal court makes an order in Ontario, it means what it says and willful non-compliance will have a swift and certain consequence.

RECOMMENDATION 8: The Government of Ontario should launch a concerted effort to ensure compliance with orders made by criminal courts. This should include not only probation and bail but also collecting on unpaid fines, bail forfeitures, and unpaid restitution orders, the proceeds of which should be directed into a statutorily created Law Enforcement Fund with defined purposes for expenditures restricted to law enforcement/public safety or victim services issues or to victims owed restitution.

Due to demographics, the next ten years will see a significant turnover of front line personnel within police services in Ontario. This presents a significant opportunity to provide victim assistance training to the future police officers of Ontario as a part of their basic responsibilities. Ensuring that police managers are provided the specifics of what is expected of the police services they lead, is a better way of achieving improvements than setting standards and reacting after the fact if there is non-compliance.

RECOMMENDATION 9: In conjunction with the victim assistance standards referred to above, training for recruit police officers at the Ontario Police College be expanded in the area of victimization and the obligations of police to crime victims pursuant to the adequacy and effectiveness standards of the Police Services Act and the Victims' Bill of Rights. At the same time, upon completion of the victim assistance standards, police managers should be provided with in-service training with respect to their responsibilities in this core service area.

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[11] 1999 PC *"Blueprint"* – "Mike Harris Plan to Keep Ontario on the Right Track-Strong Leadership for a Strong Ontario".

Just as measuring police officer fitness and performance includes measures directed at statutory knowledge, personal skills and physical fitness, so too should it include a victim interaction component. Such an inclusion is a clear signal that victim assistance is a core service and that individual police officers can expect to be assessed on how they deal with victims of crime as a measure of their performance as a professional police officer.

RECOMMENDATION 10: Performance appraisals of police personnel and promotional processes should include reference to the knowledge and understanding, along with compliance with the specific victim assistance requirements.

The Victim Crisis Assistance and Referral Service (VCARS)

VCARS (see Map #5) provides immediate help to victims of crime, tragic circumstance or disaster, 24 hours a day, 7 days a week. Police officers, with the consent of the victim, can call on VCARS to send out a team of highly trained volunteers to provide on-site short term assistance for victims and make referrals to community services for longer term assistance.[12]

The VCARS program came into existence in 1987 to provide immediate assistance to victims of crime or disaster on a 24/7 basis. Housed within the Ministry of the Solicitor General from the outset, VCARS was, and is, a program that recognizes both the essential need for immediate assistance for some victims of crime and the reality that such intervention was linked with the police who are frequently the first contact the victim has with the public institutions of the criminal justice system.

In 1992, a significant change was made when government, recognizing that communities were best able to serve victims in appropriate and flexible ways, determined to move the VCARS program out of the sphere of direct government service and divest it to a community-based Board of Directors. This divestment phase culminated in 1995 with the incorporation of independent VCARS organizations supported through transfer payments from the MSG. This change to a locally directed service, following provincial standards, and its continued success, is a clear indication that such a feature is an option for delivery of comprehensive victim services beyond the current VCARS mandate. As well, by working with, but not being directed by, either of the police or the Crown (reporting instead to the locally established community board that should include such representatives) the VCARS model has the potential of a greater victim focus or at least a better co-ordinated systemic focus. This is important from the perspective of ultimately achieving a single time, multiple point entry to a single or co-ordinated victim service for a victim of crime which is universally acknowledged as desirable.

This approach to a victim-focused service is not unique to Ontario. Both Prince Edward Island and Nova Scotia, for example, have a victim service that operates in conjunction with, but independent of, either the Crown or the police. Its services run the entire gamut of the criminal justice system from the immediate aftermath of the crime, through charge, trial and into compensation and parole.

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[12] VCARS Program Description – Ministry of the Solicitor General Briefing Note 1998.

Interestingly, Nova Scotia, which uses a similar administrative model as Prince Edward Island, has concluded that while it should retain its Victim Services Division, (within a combined Justice Ministry), "What remains to be put into place is an integration of the several pieces to provide victims of crime in Nova Scotia with a seamless system of integrated services."[13]

Extensive material from the *United Sates Department of Justice, Office for Victims of Crime* confirms that both victim focused and co-ordinated system focused approaches are in operation throughout the many jurisdictions of the United States, and that both are capable of providing seamless victim services.

VCARS was significantly enhanced in 1996/97 with an 8 site expansion and the program has now grown to 21 Ministry funded sites. It must be made clear that a VCARS type function (not to be confused with the VCARS program) is being provided in many other locations throughout Ontario without provincial funding under the VCARS program. As noted earlier, a growing but still incomplete number of police services, have instituted their own victim service units. While this can fairly be viewed as duplicate service in some instances, it is also a clear signal of the inherent wisdom of the fundamental principles of the VCARS/VSU approach.

The Ministry of the Solicitor General provides grants up to $120,000 through a transfer payment from the *Victims' Justice Fund* (VJF). Although many programs are currently at the maximum, it is not a given that they receive it without budgetary justification. It is clearly recognized by the Ministry that some programs, due to demographics, geography and work load, require additional funding over and above the maximum $120,000.

Since the announcement of our Office, we have been made aware of a number of groups throughout the Province who have tried unsuccessfully to secure VCARS funding. This has resulted in an absence of much needed services and severe financial strain on these groups that continue to operate while awaiting funding. Fortunately, interim funding has been provided to allow their important work to continue and this should remain in place until such time as the communities they serve are recipients of a fully funded victim service as contemplated by this Report.

While the limitations on the mandated function of the VCARS service are obvious, as they are with police-based victim service units, the most striking feature of the VCARS function lies in the form in which the function is delivered. It should be noted that the VCARS model appears ideally suited to provide an expanded victim service or one that combines various functions sometimes provided by other agencies or programs (resulting in victims being bounced from one place to another).

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[13] **Balancing the Scales – The State of Victims' Rights in Canada – CRCVC 1998, p.56.**

Table Five - Profile of VCARS Interviewed in Survey

About the Organizations Interviewed:	**Number of VCARS Interviewed** ***(face-to-face interviews and mail in questionnaires)***	**21**
	Person's Employed *	**60.5**
	Number of Volunteers *	**790**
	1996 Number of Victims Served *	**6,988**
	1997 Number of Victims Served *	**8,686**
	1998 Number of Victims Served *	**8,880**
Services Provided as Identified by Service Providers:	**Homicide**	**74%**
	Sexual Assault	**89%**
	Domestic Violence	**100%**
	Threats/ Stalking	**84%**
	Assault	**89%**
	Robbery	**79%**
	Break and Enter	**79%**
	Theft/ Fraud/ Property	**58%**
	Impaired Driving	**42%**
	Hate Crimes	**47%**
	Child Abductions/Missing Persons	**42%**
Services Provided To:	**Seniors**	**84%**
	Disabled	**68%**
	Gay and Lesbian	**63%**
	Gender Specific	**79%**
	Children	**95%**
	Cultural	**79%**
Nature of the Service Provided:	**Crisis Intervention**	**68%**
	Information and Referral	**68%**
	Counselling	**21%**
	Follow-up	**53%**
	Legal Assistance	**21%**
	Public Education/Advocacy	**53%**
	Practical Assistance	**63%**
	Pre Charge	**32%**
	Post Charge	**37%**
	Pre Court	**26%**
	Court	**32%**
	Pre Sentence	**21%**
	Post Sentence	**11%**
	Compensation/ Restitution	**21%**

***Note:** Not all respondents reported data.*

Given our mandate to explore optimum methods of service delivery as well as content of service, this feature is of significance in considering future models.

There has been near unanimous conformity during the Office consultations that the design of a "model" victim service should include:

- a focus on the victim and the full range of their needs and not the particular institution with which the victim must interact (although linked to both the police and Crown);
- local control and direction combined with provincially set standards including training of staff and volunteers;
- core services provincially funded (with expanded funding), and
- sufficient flexibility to accommodate all victims of crime including recognition of local linguistic and cultural realities.

Set against this, an examination of the current VCARS service model highlights the features of a locally directed victim service:

- direct relationship with the police service, usually with an on-site presence;
- extensive recruitment and use of trained volunteers;
- deployment of service through satellite offices (frequently tied to police offices or detachments);
- provision of service in a multi-jurisdictional capacity service provision to all crime victims, not only victims of certain crimes, as well as other victims of tragic circumstance who come in contact with police;
- use of broad community participation on the board including the various justice system players;
- police secured victim consent prior to service intervention; provision of practical on-scene assistance (cleaning, child care, notification, transportation etc…);

- 24-hours a day, 7 days a week service;
- incorporated as a not-for-profit corporation some with charitable status and operating with multiple funding sources including provincial grants;
- supply of services without cost from police agencies;
- public and police education and training as part of activities;
- part of a regional co-ordination system of the Ministry of the Solicitor General's – Victim Service Unit;
- provincial standards for training, nature of service, financial administration and record keeping, etc;
- frequent assistance provided past mandated involvement including court assistance and assisted referrals, including accompaniment. (In some jurisdictions there has developed a near merger of VCARS/V/WAP irrespective of defined mandate due to need and the availability and capacity of VCARS to perform certain tasks - especially once a charge is laid);
- mandated follow-up with victims after initial on scene contact, and
- service co-ordinated with hospitals and fire departments.

During the course of our survey, we were able to complete on-site visits with 17 of the 21 VCARS sites and we received a written response from the other sites. We were collectively impressed with the dedication of the staff and the volunteers and found their observations and suggestions to be practical and consistent. These observations include:

- standardized funding should be replaced with rationalized needs-based funding;[14]
- generally good but admittedly sometimes varying relationships with other victim service providers;
- geography mandates outreach and underscores need for local volunteers and satellite/mobile service;
- enhanced direct access to "official" police information systems (like *Ontario Municipal and Provincial Police Automated Centre*-OMPAC) would facilitate service;
- some police services and officers do not use VCARS to their fullest extent;
- basic understanding of the criminal justice system helpful in assisting crime victims;
- VCARS and V/WAP naturally assist each other including in some areas, actually sharing staff/volunteers, etc;
- VCARS takes on much of the V/WAP mandate (victim impact statement, accompaniment, CICB, etc) if there is no V/WAP program due to recognition that victim needs outweigh program mandate;
- all core services should be directly funded and not result in time being spent fundraising;
- corporate involvement including service in kind should be accentuated;

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[14] We are pleased to be advised by MSG that this funding recommendation is currently underway.

- safety and security of victim service workers and volunteers always needs to be stressed and part of training, especially as police in urban centres are frequently dispatched to new calls while victim services people on-site;[15]
- scarcity of funding results in reduced ability to provide service;
- absence of services/available counselling for male victims of sexual/physical abuse;
- victims with mental health issues (but not severe enough to merit committal) and thus special needs cannot access needed mental health professionals quickly enough;
- need for enforceability in *Act Respecting Victims of Crime* when victims deal with the justice system following charges being laid;
- staff underpaid for nature of work performed in comparison to others within the justice system;
- training above the minimum VCARS model frequently the case;
- referrals to shelters made as per arrangements but frequently many victims will not go to shelters; and
- recognition that Francophone, Aboriginal and Multi-Cultural crime victims are best served where victim service has volunteers or staff from their communities.

Finally, we have reviewed the Ministry training materials in the VCARS program and while they are limited to a crisis intervention approach (and somewhat incomplete insofar as reference to the later aspects of the criminal justice system are concerned), they are concise and practical. Equally, the internal reporting procedures established by the Ministry and the regional administrative structure created to support Victim Services generally appears to be sound and worthy of consideration in any expanded system of provincial victim services. In essence, the Ministry of the Solicitor General has set the standards, mandated a general form to ensure local control, provided the funds by transfer payment to deliver the service and then created a non-intrusive but effective internal administrative system to facilitate the desired results. VCARS functions as it does in the environment of other institution-based services (police/V/WAP) but there is no inherent obstacle in its composition that would prevent it from broadening the service it currently provides to victims of crime throughout Ontario.

RECOMMENDATION 11: The community-based model of delivery of victim service be utilized as a method for the future delivery of provincially funded comprehensive victim services, specifically including:

- ***direction, in accordance with a Provincial Victim Services Standard, by a locally constituted community co-ordinating body whose composition should include, representatives from, among others, the Crown, police, crime victims and or private victim organizations, shelters and sexual assault centers, the health profession, schools and the local children's aid society;***

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[15] The MSG Recruitment Training and Evaluation Manual stresses safety issues and we have been advised of the existence of formalized protocols designed to deal with this issue. Ensuring compliance is, of course, essential.

- ***formalized links with all police services within the area served by the victim service, including, where appropriate, on-site presence in the police service;***
- ***incorporation as a registered charity with provincial transfer payments received based on service requirements;***
- ***a mobile or satellite service where necessary;***
- ***on-site presence in all courthouses within service area when court is sitting where there is no Victim/Witness Assistance Program; and***
- ***provision of service to all victims of crime including assisted referrals and, where required and possible, multi-lingual and multi-cultural service.***

Apart from police services and the VCARS program, the Ministry of the Solicitor General also has responsibility for a number of other programs related to victims of crime which are all housed within the Victim Services Unit of that Ministry.[16] They are:[17]

- The Victim Support Line (VSL); (17.3)
- *Supportlink* – which provides communication for high-risk victims in domestic violence cases through corporate sponsorship;
- The *Partner Assault Response Program* (PAR) formerly the *Male Batterers Program* – some are situated directly in connection with MAG's Domestic Violence Courts; (17.1)
- *Violence Awareness Programs for Women* (support for offenders in correctional facilities whom are themselves victims); (17.2)
- Police and Corrections training & awareness on victims' issues relating to sexual assault and domestic violence; (17.4)
- *Community Victim Initiatives Program* (CVIP); and
- Sexual Assault Centres (SACs).

The Victim Support Line (VSL)[18]

The VSL was created in 1996 and has four essential components to it:

1. General Information Line in relation to the Criminal Justice System.

2. A Victim Notification System to provide comprehensive but defined information and status updates on offenders to victims, (includes facilitating contact with the Ontario Board of

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[16] MSG launched a Male Victims of Sexual Abuse Initiative with a Victim Support Line with an information/referral service and individual/group counselling service in 1999 in the Cornwall area for victims in conjunction with the OPP Project Truth investigation. As this Report details, it is a service which needs to be expanded throughout Ontario.

[17] MSG reports, for 1998/99:

1. 3141 contacts with PAR programs;
2. 2059 victims serviced in Violence Awareness Programs for Women;
3. 8981 (total) contacts with the VSL; and
4. 600+ officers trained in Partners Serving Victims.

[18] Victim Support Line 1-888-579-2888

Parole) in the Ontario corrections system. It further allows victims, or other members of the public to provide information to Ontario corrections regarding released offenders.

3. A referral system available for victims connecting them with an information counsellor who will provide detailed information on available support and service in any location across the province they may require.

4. A direct link to the Office for Victims of Crime.

The VSL receives approximately $1.5 million annually from the *Victims' Justice Fund*.

The Victim Notification System: This Corrections component of the system is an innovative method of providing crime victims with the ability to be automatically updated on the status of the offender responsible for their victimization. By using technology, the VSL permits crime victims to "register" themselves and thereafter ensure the receipt of timely information as well as forward their concerns to corrections officials without any involvement of other persons or agencies. Given the importance of timely and accurate information for victims, this feature of the VSL commends it highly. In 1997, 518 crime victims used the new system in this fashion and with expanded awareness of it that is expected to increase. The capacity of the VSL to permit designated victim access without institutional assistance is a privacy feature that should be retained even when an advanced *Integrated Justice Project* arrives in the months to come. The VSL offender information component is currently restricted to Ontario corrections/parole and some probation information but this should be expanded to include bail and full probation information including that, which would assist compliance with restitution orders.

While the VSL has capacity for victims to provide relevant offender related information, it must be stressed that where such information pertains to potential criminal conduct, or conditional release violation, the police must be the recipient in an expeditious fashion.

The Support and Service Line - This service of a centralized referral system is obviously of value although hopefully diminished as full victim services are extended throughout the Province in accordance with the recommendations of this report. Irrespective of this, the idea of a single number for victims to be able to call with automatic routing of the call to the appropriate local service is worthwhile and worthy of retention as part of a co-ordinated provincial victim service.

The Criminal Justice System Information Line - This automated "explanation" of the component parts of the criminal justice system is both subjective and slow. As general information it has some value but it is questionable whether it should be situated on a system with features described above. Further, the development of local victim services and the inevitable print and electronic information they will generate (some of which is already in place) is a better means of providing such information. Finally, it is expected that that the Office for Victims of Crime will disseminate such general information services.

RECOMMENDATION 12: The Victim Support Line be housed within the Office for Victims of Crime and developed in accordance with this report.

Supportlink

In April 1998, the Ministry of the Solicitor General, in partnership with two leading private communications technology firms, launched this program to provide cell phones to victims identified as being at risk from personal danger from domestic violence, sexual assault and stalking. The phones are pre-programmed to exclusively dial 911 and are to be part of an overall "safety plan" completed by the victim and a local agency. The program is running in two pilot sites (Ottawa and Barrie) and is scheduled for review in October 1999.[19] The *Supportlink* program receives approximately $56,000 from the *Victims' Justice Fund.*

We were also advised of the use of automated alarm systems or "panic" buttons which on activation provide immediate police notification of apprehended danger. We are unclear whether this is part of a formalized program or funded through the OWD or other Ministry but the use of technology to reduce risk is a welcome tool on behalf of victims of crime. This automated alert may be of particular value in rural areas where cell phone coverage is limited.

On the surface, provision of such equipment to women at risk seems pragmatic and worthwhile, especially if the identity of the offender is unknown (which we suspect is by no means always the case). While we do not recommend its termination, we strongly suggest that the program be analyzed from the following perspectives:

- **Use Existing Alternatives** - If the offender, at large in some fashion, is viewed by the Crown as sufficiently dangerous to necessitate equipping his past victim with a telephone link to the emergency police line, then denying bail/parole, bringing a bail review (*Criminal Code* s. 521), conditional release revocation application (*Corrections and Conditional Release Act*-CCRA), probation review or peace bond application or breach charge may be a far more appropriate response. Literally, issuing cell phones appears to be premised on the assumption that the other preventive measures of the law will not be successful. The failure to completely use existing means is a hallmark feature of the failure of the justice system towards victims of crime, which should no longer be tolerated. It also perpetuates the "nothing we can do" attitude among justice officials which is wrong in law, ruinous of credibility of the justice system and downright dangerous for victims at risk.

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[19] The results of which are unknown to the Office for Victims of Crime.

- **Monitoring Offenders** – If, after all the available remedies are exhausted, the high-risk situation remains, why should the victim be the one issued with the electronic/telephonic equipment. Electronic monitoring of the offender through wrist or ankle bracelets combined with specific territorial restrictions would appear to be at least desirable in combination with issuing cell phones to victims. Obviously, this intrusive means of offender supervision would need to be applied selectively but given the not infrequent combination of "mere allegations", and "loss of livelihood resulting from custody" put forward to secure release even in high risk situations, such measures, paid for by the offender as a condition of bail or conditional release, merit serious examination.

- **Ensuring Proper Risk Assessment** - We are concerned that maintaining a program, which is genuinely intended to reduce risk, will be mutated into a reduction in the assessment of the risk by justice officials empowered to make decisions that affect victims. Thus, cell phones, or for that matter, extensive conditions on recognizance, do not stop bullets. The point of this overstatement is simply to reinforce the notion that where a fact circumstance raises the spectre of such risk, there may not be an appropriate "middle ground" despite the entreaties of the offender or their counsel. Rather than create new "programs" to theoretically reduce risk to the victim, we suggest that a recognition that such risk exists is more realistically converted into invoking denial/revocation of bail, probation or parole as the law clearly permits. As a matter of practicality, this will translate into a more informed (putting forward empirical data on repeat violence from persons on bail in domestic violence, for example) and aggressive position taken by the Crown and police in such high risk situations when decisions are being made.

  As always, simply mandating the position will be insufficient. Government will need to direct adequate resources to permit its public criminal justice officials to prepare and focus on such defined high-risk situations.

The court order says he can't come near me, my children, their schools, my work or possess guns and the list goes on. Despite all that, he violated the order. His high risk rating from the police Threat Assessment Unit wasn't even considered in the court order. What kind of protection is this?
Domestic Violence Victim, South-Western Ontario

RECOMMENDATION 13: The Supportlink program be reviewed in light of this report and that a high-risk strategy which reviews all existing remedies be developed and implemented by the police and Crown in conjunction with the Office for Victims of Crime and community agencies supporting women at risk.

Partner Assault Response (PAR) *(formerly the Male Batterers Program)*

This program, and a corollary one connected to *Domestic Violence Courts* (see Map #6) run by the Ministry of the Attorney General (MAG), is funded, for the most part, by the *Ontario Women's Directorate* (OWD). It appears that both programs, administered separately, receive over $1million annually to operate. Why one branch of government funds, and two others administer, (and partially fund) what appears to be one program is unclear.[20] There also appears to be some lack of clarity as to program content and individual cost for local program delivery. What is clear is that the Ministry of the Solicitor General (MSG) is currently responsible for 30 such programs across Ontario (Map #7). Of these, 24 are mostly funded by the *Ontario Women's Directorate* (OWD) (additional funds from MSG) and the other six are wholly MSG funded. Eight (and soon to be expanded) programs are run in conjunction with MAG *Domestic Violence Courts* and are wholly funded by OWD. Multiple agency or department involvement should not prohibit the creation of a single database to ensure identification of offenders who have taken the program and re-offend. Obviously, such a result is highly relevant in any future sentencing and/or ancillary matters arising from a subsequent assault.

There was clear support for the mandatory use of these programs but an equally clear conclusion that funding should not be from the *Victims' Justice Fund* but instead from either MSG or MAG where entry into the program is probation/parole or court process related. We were provided with anecdotal assurances that the use of such programs results in a significant reduction in recidivism, which obviously needs to be replaced by empirical data. Finally, both the MSG and MAG programs have French language components which we were advised needed to be expanded along with other linguistic programs.

RECOMMENDATION 14: The various Partner Assault Response programs be consolidated within the Ministry of the Solicitor General with respect to funding, standards and administration and that French and other language program availability be expanded as required.

RECOMMENDATION 15: An empirical review of comparative recidivism by offenders who have completed the program be undertaken by the Ministry of the Solicitor General.

RECOMMENDATION 16: Partner Assault Response programs continue to be funded from sources other than the Victims' Justice Fund.

Violence Awareness Programs for Women

This program is part of the MSG Victim Service Unit and is funded ($100,000) by OWD. Essentially, it is a provision of education and information to incarcerated women (although other inmates may participate) who have reported themselves as victims of violence. As a Corrections-based program, it should move to the Ministry of Correctional Services, be funded there, or through OWD should the decision be made to continue its funding. Further, given that "success" for a public funded offender programming generally should be measured in reduction of recidivism rather than simply delivery or receipt of a program, an empirical review of recidivism of those that have received the program is advisable.

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[20] We are pleased to note that MSG has since advised that a decision has been made to transfer the relevant funds to MSG's base in 2000/01:

- PAR Programs - $1.339
- Violence Awareness Programs - $147,000
- French Language Sexual Assault Services Program - $412,000
- Program Administration for Sexual Assault Services - $435,000

RECOMMENDATION 17: An empirical review of comparative recidivism by offenders who have taken the Violence Awareness Programs for Women be undertaken by the Ministry of Correctional Services.

Police and Correctional Staff Training

This obvious staff training component of the MSG has evolved into two special programs, both funded by OWD (totaling $200,000 annually). The police "Victim Awareness" training is confined to dealing with victims of sexual assault and domestic violence although some sessions have now been held in relation to senior women abuse. In all instances, sessions involve police and sexual assault and domestic violence community service providers. An obvious and desirable focus of these sessions is to not only provide the training but to also foster the critically important working relationships between the two groups.

Victim issues training of both police and probation/correction officers is clearly a desirable practice which should be continued and, as required, expanded. Development and delivery of the training is logically done in combination with a provincial entity mandated to co-ordinate victim services and programs. Thus, this aspect of the VSU of the Ministry of the Solicitor General and the Ministry of Correctional Services should be analyzed once government clarifies the future role of the OVC to determine the best administrative placement for such a program given the multiple interests involved.

Community Victim Initiatives Program Grants (CVIP)

Following the announcement of the *Victims' Justice Fund*, the *Community Victim Initiatives Program* (CVIP) was created to permit one time, maximum amount grants for community victim-focused initiatives. The funds ($500,000) were restricted in the first year to projects in support of preventing violence against women. No funds have been spent since 1996/97 despite clear expressions of interest from communities and the presence of worthwhile initiatives on behalf of victims of crime. (This fund is a shared venture of the Ministry of the Solicitor General and the Ministry of the Attorney General).

CVIP grants could be used to fund the many worthwhile public education/victimization prevention initiatives offered by groups such as CAVEAT, M.A.D.D. and the *Canadian Safe Schools Network*. Additionally, local communities attempting to develop the means to deliver victim services, including specialized projects for children, seniors, women or multi-cultural victims, could be aided in this through such one time grants. Despite this worthwhile start, the CVIP program is currently an under-utilized tool for building on a host of worthwhile local victim initiatives in support of all victims of crime.

RECOMMENDATION 18: The Community Victim Initiatives Program be re-instated and housed within the Office for Victims of Crime with expanded criteria to include individual grants for one time community victim initiatives, unrestricted as to the nature of crime and including facilitation of the development of comprehensive local victim services as described in this Report. Funds for such grants should come from the Victims' Justice Fund.

Sexual Assault/Rape Crisis Centres (SACS)

The Ministry of the Solicitor General currently funds 34 Sexual Assault/Rape Crisis Centres which includes French language sexual assault crisis services in designated areas. SACs offer a broad variety of services to victims of sexual violence or past survivors of sexual abuse. These services include:

- 24-hour crisis and support line;
- court, police and hospital accompaniment and support;
- supportive individual/group counselling services;
- public and professional education regarding the nature and extent of sexual violence;
- information and referral services; and
- community development and liaison.

A 24-hour, French-language crisis and support line has been established in Northern Ontario and plans are currently being formulated for a Southern Ontario line. The Ministry supports five unilingual Francophone Sexual Assault Centres and provides funding to three others to ensure that they have the capacity to offer service in French. In 1997, the government announced funding for an Internet project that was to link the 34 sexual/assault rape crisis centres. This project has been completed and all the centres now have an E-mail address.

For a more complete review of the work of SACs, please refer to section 5.7 of this Report.

The Coroner's Office

The Coroner's Office is located jurisdictionally within the Ministry of the Solicitor General. While there are Coroner's Office staff situated within the Ministry, individual, locally appointed physicians also serve as coroners who necessarily interact with crime victims as a result of their duties in conducting autopsies, determining cause of death and, in some cases, conducting inquests. Regrettably, this interaction on a local level has produced some instances of difficulty for surviving family members in particular generated by how, when and whether, information about the death of their loved one is conveyed. There does not appear to be any provincial guidance to local Coroners on dealing with family members to avoid causing additional stress which would be of clear benefit.

Our Office has begun discussions with the Coroner's Office and agreed to work with them to produce specific protocols or procedures for coroners in dealing with surviving family members to alleviate these outstanding and legitimate concerns of victims.

As this report notes earlier, the Ontario Coroner's Office has a history of convening inquests into cases of unlawful death with a subsequent focus on how a particular social system (bail, parole etc) was invoked to permit the means of death to be in a position to inflict death. The contributions to public safety improvement these inquests have produced cannot be overstated and, indeed, should be expanded by addition of financial resources. Our Office has had discussions with the Coroner's Office in this area and we wish to highlight two specific areas that merit consideration.

- **mandatory review of circumstances:** (likely short of a full inquest in many cases) where a person that unlawfully caused death was released from custody either on bail or conditional release of any kind. Such a provision would mirror the current requirement for an inquiry by the Coroner's Office into the death of any person while *in* custody and add an anticipation of accountability to decision making in these areas that is currently lacking.

- **provision of counsel to victims' family members at inquests:** The Coroner may grant standing to family members at such inquests (and usually does) but has neither the authority nor the budget to provide funded counsel. This is relevant in the kinds of inquests referred to involving crime victims as generally the other parties are public institutions governed by public legislation. The inevitable result is publicly funded counsel arguing (properly) legal interpretations of duties, responsibilities etc all against a backdrop of potential civil litigation. Our experience in this area reveals that victims are frequently reduced to shopping mall fundraising efforts to get counsel which is wholly unjust given both the predicate event which causes the inquest and the public benefit deriving from the information the inquest provides. An OVC administered fund for legal assistance for victims granted standing at an inquest would be a solution to this current gap. Whether funds are specifically assigned to the Coroner's Office for this purpose or a separate *Legal Assistance Fund* is established within a future OVC, this gap needs to be closed forthwith.

RECOMMENDATION 19: The Coroner's Act be reviewed to mandate a coroner's review or inquest where an individual at large from custody on either bail or conditional release of any kind within Ontario unlawfully causes the death of another person.

RECOMMENDATION 20: Surviving family members granted standing at a Coroner's Inquest be eligible for defined funded counsel either by provision of special funds to the Coroner's Office or through a special Legal Assistance Fund administered by the Office for Victims of Crime.

5.3 Ministry of the Attorney General

Table Six - Ministry of the Attorney General – Support to Victims of Crime (in $'s million)

Program	1997/98	1998/99	1999/00
Victim/Witness Assistance Program (V/WAP)	3.6	5.1	5.3
Criminal Injuries Compensation Board	17.3	15.3	19.8
Total	***20.9***	***20.4***	***25.1***

The Victim/Witness Assistance Program (V/WAP)

As detailed earlier in the report, V/WAP (see Map #8) is the MAG-based program specifically designed to assist crime victims who are to be witnesses in a criminal prosecution. The role includes basic explanations of what is to occur (as best can ever be foretold), looking after specific practical needs of victims (within Ministry parameters) and advocacy for the victim with the police and the Crown.

Originally the V/WAP Program was a part of the Criminal Law Division, no doubt reflecting the reality that the service was not only of benefit to the victim but also to the already thinly stretched Crown resource. This administrative structure was modified in 1999 in recognition of the potential conflict of interest, which this arrangement created, for V/WAP staff. V/WAP remains within MAG but is now in the Family Justice Services Division. Administrative difficulties have arisen as a result of the move and should be monitored.

V/WAP is headquartered in Toronto where it has been directed by a remarkable woman named Susan Lee. Ms Lee has been involved with V/WAP since its inception in 1987 and remains a true champion of equitable treatment of victims of crime. V/WAP coordinators and their staff are sited locally throughout the Province and are all MAG employees and thus Ontario Public Service (OPS) members. V/WAP offices have varying levels of connection with police services, police victim service units, VCARS programs or other victim services. This is relevant for initial contact with the V/WAP program and cross referrals. This ranges from a distinctly arms length relationship to a joint VCARS/V/WAP operation which is unique in Owen Sound. Hearing of this special and clearly beneficial operation as a result of our survey, our Office conducted a special interview with the Owen Sound group and came away extremely impressed with the potential for merging the local control/crisis intervention/follow-up and referral of a VCARS program with the V/WAP court related services. Coordination is a description of the Owen Sound Victim Services and it has produced several benefits in an expanded service capacity which individualized services cannot. This will be discussed in greater detail in Chapter 7 of the report.

The victim witness assistance people saved me from committing suicide during the trial. I couldn't have made it without them.
Domestic Violence Victim, North Bay

V/WAP programs operate out of courthouses and the service they perform clearly needs to remain right where it is, although as described earlier, in significantly improved settings. V/WAP is included in the *Violence Against Women Prevention Initiatives*, which predated the creation of the separate *Victims' Justice Fund*, which now funds the entire V/WAP program.

V/WAP programs deal on a priority basis with types of cases, which include

- domestic violence (women only);
- sexual assault of both women and children; and
- thereafter, as resources permit, with serious cases such as homicide.

V/WAP is an integral part of the *Domestic Violence Courts Program* and operates in conjunction with that specialized court. While we understand the priority given to the cases referenced, it is disturbing to note that crime victims are turned away from V/WAP as their kind of case is not "covered". We do not need to explore this any further as having reviewed the nature of the V/WAP service, the overwhelmingly supportive comments of victims who have been assisted by V/WAP and the glaring need for their presence province wide, on an expanded basis, it is clear that V/WAP has outgrown its current restrictions.

The V/WAP court-related service must be extended throughout the entire Province of Ontario and it must be expanded so that the assistance it offers can be extended to all crime victims that need help. Four points need to be stressed here. *First*, the expansion of which we speak must not, in any way, result in the diminution of the superb work currently being performed by V/WAP in relation to domestic and sexual assault. *Second*, extension of a V/WAP service to other offences does not necessarily mean the same kind or level of assistance that is involved in domestic or sexual violence but that other crime victims can be significantly helped by a court-focused service. *Third*, this expansion will cost money and beyond what can be drawn from the *Victims' Justice Fund* as currently constituted. As mentioned earlier, while we believe that additional, as of yet unrealized, revenue sources are possible, Government must recognize that provision of adequate services for victims of crime will require increased dedication of public funds. Even in the current restricted focus of V/WAP, there are simply not enough people to do the job they know needs to be done. *Fourth*, the link between the V/WAP program and the Crown's Office is vital. It is the functions *unique* to this relationship such as ensuring victim information is present on Crown files, arranging and scheduling meetings between victims and prosecutors, interacting with other services in relation to matters affecting victims and their dealings with the Crown and others that should be the focus of what this Crown based, victim focused program does. Other tasks such as helping with CICB claims, and matters outside the unique relationship with the Crown are areas, which could be provided by the local victim service which has initial contact with the crime victim.

It is our view that including a V/WAP or V/WAP-type service in a local victim service is advisable so as to:

- maximize the linkage and referrals between it and police-based and VCARS or other programs;
- make use of other programs resources;
- minimize (and ultimately eliminate)the current movement of a victim from one service to another;
- ensure quality service to all victims of crime;
- close the gaps currently in existence in multiple agency victim services;
- improve the ability of all victim service providers to deliver training and public education;
- maximize the impact of revenues dedicated to victim services;
- maintain and improve services for women and children;
- increase the victim service ability to receive, access and provide critical victim information at all relevant times throughout the entirety of the criminal justice process; and
- facilitate the ability to represent the crime victim in their dealings with both the Crown and police.

Like the VCARS link with police (or police based victim services), the V/WAP program link with the Crown's office is an important feature that should be maintained in any future victim service, either through a V/WAP office or by inclusion of the V/WAP function in a consolidated community based victim service.

RECOMMENDATION 21: Victim services provided by the current Victim/Witness Assistance Program be expanded to cover, as appropriate, all crime victims in all jurisdictions in Ontario through victim service models identified in this report.

Table Seven - Profile of V/WAP Programs Interviewed

About the Organizations Interviewed:	**Number of V/WAP Programs that completed questionnaires** ***(face-to-face interviews and mail in questionnaires)***	**27**
	Person's Employed *	**60.0**
	Number of Volunteers *	**55**
	1996 Number of Victims Served *	**4,828**
	1997 Number of Victims Served *	**6,382**
	1998 Number of Victims Served *	**7,585**
Services Provided as Identified by Service Providers:	**Homicide**	**95%**
	Sexual Assault	**95%**
	Domestic Violence	**100%**
	Threats/ Stalking	**77%**
	Assault	**82%**
	Robbery	**59%**
	Break and Enter	**55%**
	Theft/ Fraud/ Property	**50%**
	Impaired Driving	**45%**
	Hate Crimes	**59%**
Services Provided To:	**Child Abductions/Missing Persons**	**41%**
	Seniors	**82%**
	Disabled	**77%**
	Gay and Lesbian	**82%**
	Gender Specific	**95%**
	Children	**91%**
	Cultural	**91%**
Nature of the Service Provided:	**Crisis Intervention**	**59%**
	Information and Referral	**59%**
	Counselling	**36%**
	Follow-up	**50%**
	Legal Assistance	**41%**
	Public Education/Advocacy	**45%**
	Practical Assistance	**36%**
	Pre Charge	**55%**
	Post Charge	**55%**
	Pre Court	**59%**
	Court	**55%**
	Pre Sentence	**50%**
	Post Sentence	**55%**
	Compensation/ Restitution	**50%**

Note: Not all respondents reported data.

The Criminal Injuries Compensation Board[21] (CICB)

The *Criminal Injuries Compensation Board* operates as a quasi-judicial administrative tribunal attached to MAG, (the Compensation for Victims of Crime Act 1990). Its mandate is to provide compensation to victims of violent crime on satisfaction of certain defined criteria. The process involves submission of documentation and or *viva voce* evidence. A claim based on an offence for which there has been a conviction pre determines that the claim is compensable and the remaining issue is quantum of compensation. Inasmuch as offenders are liable for subrogation of any award made, they are notified, where practicable, although we understand that the entire issue of offender subrogation is one of the many issues under internal review at the Board.

Compensation is awarded for pain and suffering and expenses reasonably incurred as a result of injury or a death. The Act provides for interim awards (s.14) although we found the current use of this measure wholly insufficient for immediate needs for victims. As mentioned, the Board has identified a number of problems which are significantly interfering with its ability to provide compensation to entitled crime victims in an expeditious fashion. These include:

> *My daughter drowned. Her death was a result of a criminal act. The offender was found criminally responsible. Incredibly our C.I.C.B claim was denied.*
> **Mother of Victim, Central Ontario**

- changing nature of applications that now result in more historical assaults, without previous conviction and frequently unreported;
- increase in number of applications (although recently declined);
- requests for expansion of criteria for making awards;
- dramatic increase in the adversarial nature of hearings and brought about by frequent representation of claimant and offender by counsel;
- consequential increase in time required to complete hearing;
- legal challenges to provisions of the legislation and Board practice;
- significant increase in appeals from rulings of the Board; and
- ancillary legal proceedings where the Board or its record are becoming involved.

We would add to this list the following observations:

- unnecessarily difficult application process;
- inadequate use of interim award power; and
- inadequate victim/victim service recognition of how to access CICB.

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[21] Although the general topic of funding and victim compensation are discussed in the following chapter, we have included the CICB as a specific victim service administratively housed within the Ministry of the Attorney General. Given the importance, complexity and current difficulties with the CICB process, it is our intention to include a special report on reforms to the criminal injuries compensation process in our first annual report to the Minister which is described in greater detail in Chapter 8.

It should be noted that the Criminal Injuries Compensation legislation which governs Board practice has not been reviewed since 1986 and that many of these issues, in one way or another, potentially involve legislative reform. In our discussions with the CICB, we realized how broad the questions facing this important tribunal are. As their internal issues list (with which we heartily concur) records, the very manner in which the Board makes awards needs serious review. Issues such as limiting appeals, subrogation, redefining areas of compensation and quantum, creating statutory schedules for compensation (something which Manitoba does) are all appropriately to be considered. The work of the CICB is of such importance that we felt such a comprehensive review was properly beyond a report such as this and accordingly propose to work with the Board and include our recommendations in relation to it in the first Annual report of our Office.

RECOMMENDATION 22: The Office for Victims of Crime, in cooperation with the Ministry of the Attorney General and the Criminal Injuries Compensation Board, prepare a review of the Criminal Injuries Compensation Board legislation, practice, and procedure and thereafter make recommendations to improve the timely compensation of eligible crime victims, such review to be included in the first Annual Report of the Office.

We do however wish to make one specific recommendation in relation to the legislative mandate of the CICB. Section 5(a) of the *Compensation for Victims of Crime Act* deliberately excludes compensation for persons who are injured or killed as a result of the commission of an impaired driving offence. This anomaly was pointed out to us by *Mothers Against Drunk Driving, Canada* (MADD Canada), and we raise it here as this total exclusion seems unjustified. Required compensation for such injuries can, of course, be immense and are far more likely to be the subject of civil proceedings, especially if our recommendation in relation to contingency fees are adopted. It is quite likely that this exclusion is based on the assumption of insurance being in place to cover the immediate victim needs like counselling, therapy, equipment or funeral expenses although persons without insurance or without such specific coverage may face real short run difficulties. Interim awards, repayable on successful completion of civil proceedings or defined limited compensation either via s.14 awards or through mandatory insurance policy inclusion are all matters which merit review.

RECOMMENDATION 23: The Ministry of the Attorney General review the section 5 exclusion provisions of the Compensation for Victims of Crime Act (and related insurance policy coverage) in cooperation with the Office for Victims of Crime and Mothers Against Drunk Driving, Canada and report to the Minister on the feasibility of amendment to provide restricted and or repayable interim compensation to victims of impaired driving offences that would otherwise be eligible under the Act.

The Crown's Office

> *"Crown counsel should ensure, to the degree that is consistent with his or her primary role (emphasis added) as prosecutor, that the interests of victims of crime are brought forward at every stage in the prosecution process". [Crown Policy Manual V-1]*

> *"Victims should have access to information about...*
>
> *2(x). " any pre-trial arrangements that are made that relate to a plea that may be entered by the accused at trial..." [Section 2(x) -Ontario Victims' Bill of Rights]*

> *"While the victim is not (emphasis not added) the client of Crown counsel, the victim does have an important stake in the justice system that often, but not always, coincides with the public interest. Wherever appropriate and feasible, given the nature of the charges, Crown counsel personally or through an agent should consult the victim, or someone who speaks on behalf of the victim, prior to concluding resolution discussions."* [*Crown Policy Manual R-1*]

The Crown is not the victim's lawyer. The Crown does not represent the exclusive interests of the victim although, as the *Crown Policy Manual* correctly notes, the perspective and interests of the victim is ***one*** of the matters which the Crown must take into account. By no means is this a simple process as the difference between the words, and we suggest intent, of the principle of victim information concerning plea bargains in the *Victims' Bill of Rights* and the *Crown Policy Manual* on the same subject illustrate.

This section is not meant as a critique of Crown practice or policy except insofar as it affects victims of crime in their interaction with the criminal justice system. At the outset, we wish to specifically thank Sarah Welch, President of the *Ontario Crown Attorney's Association* (OCAA) for her invaluable insights, frequent discussions and cold hard facts. When we describe her as a "typical prosecutor" we mean it as the highest compliment reflecting on intelligence, dedication, hard work and an innate sense of justice that is capable of distinguishing between right and wrong. She is an able representative of front line Crowns in Ontario who share those same values.

At the same time, we want to equally recognize the significant contribution of the Assistant Deputy Minister-Criminal Division, Murray Segal, whose already enormously complex and demanding job of being in charge of criminal prosecutions of Ontario was no doubt complicated by our persistent questions, suggestions, advice and "intrusions" into areas that are properly part of his domain. His patience, knowledge, and clear dedication to the integrity of a criminal justice system that includes the interests of crime victims are leadership qualities that benefit us all. Another "typical prosecutor".

I did not get to meet with the trial crown before court. Everything that I told the first crown was not passed on. If I had been able to talk to him beforehand the offender might have received the right sentence.
Assault Victim, London

Once a criminal charge is laid, the Crown prosecutor becomes the central figure with the capacity to affect a victim of crime during the criminal trial and appeal process. Their actions, or in-actions, can literally define the impact of the criminal justice process on the victim. This is not so simple as whether an individual prosecution results in an appropriate conviction and sentence or not (although obviously relevant) as most victims fully understand that certainty is not exactly a hallmark feature of the modern Canadian criminal justice system. Knowing what's going on, even if it is contrary to what the victim wishes would occur, is however, hugely important for a person that finds themselves already shaken by the crime itself. Interestingly, the vast majority of "complaints" our Office received about Crown attorneys from victims can be traced to an initial failure to keep the victim informed of what was occurring in their case. It is for this reason that the *Victims' Bill of Rights* (VBR) places so clear an emphasis on the importance of information being supplied to victims.

During the course of our survey, calls for accountability of the Crown and judges predominated. Many persons identified "enforcing" the principles of the VBR in relation to the Crown as an immediate priority. Before exploring how this could be done, we suggest it is appropriate to first examine the causes of any non-compliance with the VBR principles.

First and foremost, it must be remembered that the Crown's primary job is not interacting with crime victims. Rather, it is to have full carriage, including being fully prepared, for the prosecution. In today's *Charter*-focused criminal justice system, this means a potentially significantly more involved requirement for preparation and ensuring evidence is not only present but admissible. The requirement to document actions on file, comply with disclosure requirements, and conduct ever lengthier trials with ever increasing legal arguments are all time consuming duties to which interviewing witnesses and victims, meeting with police and simply reading the file itself and the necessary law are all added. Anyone who thinks that the duties on Crowns have not literally exploded in the last ten years is not familiar with the realities of the justice system in Ontario (and elsewhere). In short, as the OCAA summed it up:

> *"You can have all the wonderful policy in the world-if we haven't got the time or the bodies to live up to it, it doesn't get done".*

This view of a severe shortage of Crown attorneys was delivered to us by police agencies, victim service workers, the *Crown Attorney's Association* and Crown Attorneys themselves. Of the 24 Crown Attorneys interviewed, 61% identified the need for more prosecutors. Even more stark was the evidence provided by the Ontario *Crown Attorneys Association* during the inquest into the deaths of Arlene May and Randy Isles. The picture of shortage of Crown attorneys and the serious deleterious public effects produced thereby was dramatic and disturbing.

I was the victim of a serious assault with a weapon. I went through five crown attorneys in the span of four months during the case. My feelings were dismissed. I didn't feel supported.
Assault with a Weapon Victim, Eastern Ontario

There can be no doubt that a shortage of Crown attorneys to adequately handle the volume of cases before them has *at least* the following potential conclusions:

- cases dismissed due to inadequate evidentiary and legal preparation;
- plea bargains and sentences agreed to out of time expediency;
- compromised bail decisions;
- failure to comply with the VBR principles for crime victims; and
- compromised public safety.

We are pleased to note that there has recently been a significant addition of resources to the Ministry of the Attorney General in order to permit the single largest hiring of additional Crown attorneys in Ontario history. We applaud the governments' recognition of the clear need for sufficient numbers of prosecutors so that the mandated duties placed on the Crown, including dealing with crime victims, can be accomplished. It is our understanding that the additional prosecutors hired will now permit at least one day per week for preparation and meeting with victims which is a concrete action of immense importance. Hopefully, this will be a significant infusion to address the problem but it should be carefully and continually monitored in case it is not.

We agree with this analysis and expect that the Office will serve, with others, as a voice to government as it makes its spending choices, that maintenance of a properly resourced, properly supported, Crown service is essential. In addition to more Crown attorneys, there is a clear need, identified by prosecutors, police services and victim services alike, for additional support staff for the Crown to ensure that prosecutors are able to focus on the important work of their office.

RECOMMENDATION 24: The Ministry of the Attorney General conduct an immediate review of administrative support currently available for prosecution offices throughout the province and include provision for any inadequacy in the forthcoming annual divisional budget submissions.

Crown independence and the Victims' Bill of Rights (VBR): As noted earlier, the independence of the Crown is a cornerstone of our public criminal justice system. Crown counsel already are guided by an extensive policy manual covering virtually all aspects of their duties including the exercise of their discretion. Interference with that Crown discretion is something we suggest be approached very cautiously lest more harm be done than good. It could be argued (and some do) that in the space of just a couple of years judicial inquiries have directed Crowns to be more zealous in the conduct of prosecutions (*May/Iles Inquest*)[22] while at the same time be less zealous in the conduct of prosecutions (*Guy Paul Morin Inquiry*).[23] Crown attorneys are facing civil suits from persons charged with offences as never before and crime victims are now contemplating resort to the courts for redress of their grievances as well. We wish to urge some real caution in the pursuit of what is generically described as "accountability". A prosecutor that exercises his/her discretion fairly, intelligently and with integrity is, we believe, the best protection that society and crime victims can ask for in a system where multiple legitimate interests co-exist.

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[22] *Inquest Touching the Deaths of Arlene May and Randy Joseph Iles, Jury Verdict and Recommendations.*

[23] *Kaufman Report,* Victim Witness Assistance Program.

We are confident that with a significantly improved, *locally co-ordinated victim service, (working* co-operatively with the Crown), adequate numbers of Crowns and support staff, and use of full time Crown attorneys rather than per diem defense counsel, the principles of the VBR can be more fully realized than they are today. At the very least, the progress underway suggests that it is advisable to assess the impact of an improved victim service and additional Crowns before resorting to statutory measures to compel compliance with specific issues in the VBR.

In reaching this conclusion, we were greatly aided by a comparison of select U.S. jurisdictions with "enforceable" victims' rights and those without in terms of victim satisfaction and ensuring delivery of statutorily mandated rights. The survey, reported by the *United States Department of Justice, Office for Victims of Crime (May 1998),* makes clear that mere provision of an enforceable remedy does not guarantee compliance, although it does appear to affect priority or attitudes insofar as crime victims are concerned. One thing the report makes clear, each jurisdiction possesses its own characteristics within the administration of justice and treatment of crime victims including the defined role, (or existence) of a co-ordinating body on behalf of crime victims. It is with this in mind that we propose laying the clear groundwork of defining victim services, clarifying models for their delivery and articulating a role for a central voice for crime victims through the Office for Victims of Crime in advance of selecting a method(s) for enforcement of victim rights. Our Office recognizes this as an issue of first importance and proposes to include it as the centerpiece of our first Annual Report that we envisage delivering as part of the ongoing role for the OVC.

RECOMMENDATION 25: Wherever possible, the Ministry of the Attorney General use only full time crown (permanent or contract) prosecutors.

RECOMMENDATION 26: The Office for Victims of Crime complete a special report on measures required to ensure compliance with the Victims' Bill of Rights and that it be included in the first Annual Report of the Office as detailed in this report.

RECOMMENDATION 27: The Ministry of the Attorney General include victim interaction as an evaluation criteria for hiring and performance reviews for Crown attorneys.

The interaction between the Crown and the crime victim does not always end at the completion of the trial. Appeals by offenders, from both conviction and sentence, creates a concurrent need for an effort to ensure victims are aware of ongoing proceedings. We are pleased to note that since the announcement of our Office, the Crown Law Office, Criminal Section that deals with Appeals within MAG, has directed a special effort at ensuring crime victims are aware of appellate proceedings pertaining to their case. The OVC has assisted the Appeals Branch in identifying key matters involving the appeal process and crime victims. Included among these, (apart from the when and where of appeals being heard) is timely information respecting Crown appeals from either acquittals or sentences. As in other areas of the victim/Crown interaction, it is essential that crime victims be apprised of the decision making process, criteria on which decisions are made and relevant timelines in which such decisions must be made.

We also wish to note the following frequent observations from the many Crown attorneys with whom we had contact during the course of our work.

- The criminal justice system is evolving into a multi-faceted process beyond the traditional criminal trial. Diversion, restorative justice, and healing circles are all examples of innovations within the criminal justice process which have profound implications for crime victims and their interests. Any utilization of these new procedures must be undertaken with full consideration and participation of crime victims. Finally, except in the rarest of circumstances, these non-traditional features should be a supplement and not an alternative to the current criminal justice system.
- A criminal trial in Ontario (and indeed Canada) today is no longer a simple search for the truth. Instead, criminal trials now feature a predominate focus on the admissibility of evidence determined by reference to a subjective after the fact analysis of the actions or inaction of the police and Crown. This *Charter* focus in criminal proceedings, in our view, calls for a more vigorous and assertive position from the Crown in determining whether, and when, to appeal acquittals or rulings based on exclusion of evidence or on *Charter* remedies granted to accused persons. Finally, as noted later in this report, improvements to the trial process will also likely involve amendments to federal legislation. Ontario, and all citizens of the Province that would like to see a closer co-relation between guilt and conviction, would be well served in having its front line criminal counsel actively involved in identifying the problems and crafting the solutions.
- Criminal trials in Ontario take too long. Victims, and the public, are expected to tolerate delays which themselves cause further victimization and contribute to a loss of confidence in the justice system's capacity or even inclination to deliver justice. To an extent, this is caused by a shortage of human resources or a failure to match resources in one part of the system with another. (Hiring an additional 1,000 police officers will create more cases which require more Crowns and support staff and arguably judges and JPs.) It is our sense, however, that a cause more fundamental needs to be identified. Today's *Charter* driven prosecution and trial process itself, we suggest, is in dire need of critical review if Ontario is to maintain a system worthy of public confidence. Ontario has recently completed such a Review *(Report of the Criminal Justice Review Committee- February 1999)* but, with respect, it is only the beginning. Trials should not be consumed by endless and imprecise *Charter* applications. Remands should be for a purpose with consequences, like taking the next step, when nothing is accomplished in the interim. Realistic costs, awardable against both the Crown and the accused for unjustified delay should be available. Video remands, reducing unnecessary preliminary inquiries (although caution must be exercized), standardized briefs and disclosure packages, revamping the entire drunk driving sections of

the *Criminal Code*, maximizing the use of court time, restricting last minute adjournments; all of these, and others, are measures to be considered to restrict the undue delay which characterizes too many criminal trials in Ontario today.

As the *Crown Policy Manual* notes, there are some occasions where the interest of the Crown and that of the victim are not exactly the same. In such rare circumstances a method or process for victims to assert their interests (likely based on the *Charter*) is necessary. This has been recognized by the Ministry of the Attorney General and the previous Minister in their correspondence with the federal Justice Minister and we wish to confirm that issue with this report.

Crime victims are essentially the only involuntary participants in the criminal justice system (although no doubt some offenders feel the same way if for different reasons). Usually witnesses, they are required by the administration of justice to participate during the trial process as society legitimately determines criminal culpability and, if appropriate, sentence. How the system deals with such persons is almost always in a fashion where the interests of the Crown and the victim are, at least, compatible if not congruent. On rare occasions, that is not the case, and victims find themselves in a criminal justice system that places a higher priority on its own interests rather than those of the victim. This is not to say that what the Crown seeks is not appropriate; rather it is simply the case that in some rare circumstances, victims legitimately need a process by which they can assert their interests in the context of how they will be affected in a criminal trial.

Great care must be taken not to jeopardize the criminal proceeding itself to which the victim is not a formal party but to permit a forum for victims to make their case. This difficult issue was highlighted during the criminal prosecution of Paul Bernardo. In that case, the Crown properly sought to introduce videotapes made by the accused on which the torture and rape of two young girls (who were ultimately murdered) was depicted. The tape was powerful and important evidence that the family members acknowledged was appropriately put forward as evidence. The problem lay in how, or if, the trial court was to restrict public access to the tapes which contained horrifically graphic and obscene images of the two girls which their parents, understandably, did not want on the front page of the nations newspapers. The *Criminal Code* is silent on how third parties, such as victims, can assert their interests and, as was the case in the *Bernardo* prosecution, seek *Charter* protection for those interests.

This legislative deficit has been recognized by the Supreme Court of Canada in various decisions, most notably in *Dagenais v. CBC (1994) 94 C.C.C. (3d) 289* where the Court deplored the legislative lacuna in this area and urged action. It is this absence which we now propose should be remedied. What is required is a pre-trial process in which victims (or presumably other third party groups) can seek rulings on matters affecting them that will arise during the trial. Equally, the *Bernardo* trial demonstrated the need for a clear and timely appeal process to permit a review that is effective but does not interfere with or delay the criminal trial out of which the issues arise.

An ancillary issue is, process aside, what criteria should courts use in making their decision in relation to public access to evidence which potentially negatively impacts on crime victims. One view is that this can best be accomplished by revising section 486 in particular by defining that which a court concludes constitutes child pornography as being exempt from public access. The value of such an approach is that while it continues the openness of trials, (albeit with a restriction on dissemination of certain pieces of evidence) it places a restriction on the publication of that which is already prohibited in law.

RECOMMENDATION 28: The Ministry of the Attorney General prepare amendments to the Criminal Code to create a statutory process to permit crime victims to assert their Charter interests in the context of a criminal prosecution.

RECOMMENDATION 29: The Ministry of the Attorney General prepare an amendment to section 486 of the Criminal Code to prohibit or restrict public access to evidence tendered in a criminal prosecution which has been determined by the Court to constitute obscene material or child pornography as defined by the Criminal Code and pertains to an identified victim.

The Courts

Obviously, the judiciary, including justices of the peace (JPs), have a huge impact on victims of crime, especially once a charge is laid. The impact of the judiciary is not confined to an individual case as their decisions daily determine the presence or absence of the most dangerous among us on the streets of our Province. As noted earlier, this tremendous responsibility has always rested with the judiciary. What is different today is the existence of the power, some argue obligation, on judges to literally exclude the clear truth with the full recognition that the presumably acceptable consequence includes the release of a dangerous person back into the community.

This section will not feature a treatise on the exercise of law making power by the *Charter* empowered judiciary, despite the growing recognition of this disturbing development amongst legislators and electors alike. Rather, it will focus on the physical settings in which victims participate in the criminal trial process and measures by which victims' concerns with respect to the judiciary can be addressed consistent with the legitimate independence required for this crucial authority position.

> *"Although there are a lot of things that frustrate me about the criminal justice system and the courts, nothing bothers me more than the lack of comfortable, safe and secure space made available to victims and witnesses in the courthouse. As the officer in charge of a case I can tell you that it is very embarrassing. What's really sad is that nothing has changed since my first day on this job. Victims still don't seem to matter to the powers that be."*
> **Police Constable Nolan, Toronto Police Service**

Court Facilities: Victims of crime, it can be fairly safely assumed would rather be just about any other place on earth, than in court, given the predicate event which must occur before they find themselves in the halls of justice. As witnesses, they must undergo questioning about an event they would prefer to forget or a person they never can. As family members, they await decisions and outcomes that are deeply psychologically important. They are subject to the inevitable "hurry up and wait" phenomena which, for them, can be indescribably cruel.

Historically, the criminal court system was designed without consideration for the victim of crime because the crime was defined as an offence against the state and the victim's only role in that process, was that of a witness. This in part, has resulted in court facilities where crime victims often wait in the same corridors with the person (or their supporters), that stole from them, abused them, or took a loved one away from them. Most people would agree that this is an insensitive way to treat crime victims. Furthermore, only minimal space within the courthouse is offered to victims as a "safe haven" and/or waiting area. Ontario's many courthouses are housed in buildings and facilities, which range in age from the Confederation era to modern times. This presents a serious difficulty insofar as adequate facilities for crime victims within courthouses is concerned, although it must be acknowledged that this is by no means a facilities issue alone. To the contrary, even within new and under construction facilities, there is still a lack of attention paid to the particular needs of victim/witnesses. Those responsible for the creation and modification of courthouses in Ontario will continue to fail crime victims and witnesses by ignoring the obvious need for proper facilities.

I was left out in the hallway of the court. Media was not ordered away from me. I wish there had been a private room. I was just about ready to collapse.
Robbery Victim, Ottawa

Our Office's review of existing sites, *and sites under construction,* reveals that the disregard for victims within courthouses is due as much to different priorities as it is to space restrictions. One older courthouse, in Toronto, for example, with no less than 28 criminal courts, hearing the most serious of charges, including murder, has a room with controlled access set aside for victims, measuring approximately eight feet by six feet. By comparison, the controlled access lawyers lounge, is approximately twenty-two feet by seventy-five feet.

In addition, our Office had the opportunity of visiting the new Brampton Courthouse while it was still under construction. Once completed, this massive facility will have 34 courtrooms in operation on any given day. However, controlled access space for victims and witnesses to wait in, only measured out to approximately eight feet by nine feet. The point is clear; insofar as provision of adequate space in courthouses is concerned, the needs of victims of crime are still not being met.

This deficiency continues even in court facilities where plans are being finalized. As a result of our survey, we were alerted to such a process underway in Owen Sound where the inability to secure proper victim facilities once again demonstrated that a serious attitude of laxity for victims of crime remains intact in this important area. With increased recognition of the importance and significance of the attendance and participation of victim/witnesses in the criminal court process; adequate standards for victim/witness facilities within the courthouses throughout Ontario should follow.

There was no separate waiting area for me. I stood in the hall with the offenders and their lawyers. I felt very uncomfortable.
Theft Victim, Kitchener

Those with current responsibility for such matters need to focus more attention on the needs of victim/witnesses.

In March 2000, the government announced its intention to invest in the construction of new courthouses and the improvement of existing courthouses across Ontario. This is an extremely positive initiative and one that could eliminate many of the inadequacies discussed above. However, there should be an immediate review of the services or programs that are currently being housed in Ontario courthouses. Following this, an assessment should be made as to whether these services or programs are essential to the courthouse atmosphere, or whether they may be located elsewhere to provide appropriate facilities for victim/witnesses and appropriate space for the important work of the *Victim/Witness Assistance Programs.*

RECOMMENDATION 30: The Office for Victims of Crime develop an adequacy standard for victim facilities within court houses, complete a province wide review of existing facilities and include both in its first Annual Report.

Measures in Relation to the Judiciary: One of the most frequent criticism shared by victims and service providers and some within the justice system itself, during our survey was the seeming lack of any accountability for judges or JPs in what they do or fail to do. Judicial independence is a central feature of our democratic society won after years of struggle with an autocratic Crown that resisted accountability. As legal historians will recall, the origin of judicial independence, founded in the Act of Settlement of 1701, actually was part of the emergence of the authority of the then semi-democratic institution called Parliament. Ironically, the arrival of the Charter with its empowering clauses has arguably restored the ability to make law without accountability.

Some of the recommendations made in this Report, such as mandated Coroner's reviews following the causation of unlawful death by a person released on bail or parole, will, if enacted, enhance public accountability for those charged with making such decisions. In addition, however, we are of the view that the time has come for the legislative branch of government to reassert itself in relation to the judiciary in determining what constitutes a sufficient basis for excluding demonstrable truth in a criminal trial or in absolving an offender outright from criminal responsibility for his or her actions. No less a commentator, Madame Justice McLaughlin of the Supreme Court of Canada has noted that the mirror image of "judicial activism" is legislative inactivism. We believe she is right.

In addition, the exercise of power that occurs today within the criminal justice system by persons fundamentally unaccountable for their actions is disturbing. How to achieve greater accountability in the generally limited circumstances where such a review is required without fatally compromising judicial (and semi-judicial) independence is obviously a huge challenge. Among the options currently available which merit consideration are:

- increased use of appeals from rulings of either JPs or judges;

- Coroner's reviews;
- consideration of professional procedures;
- term appointments for JPs;
- non renewable appointments of persons as judges for fixed terms;
- appointment of term judges from defense and Crown as prerequisite for permanent appointment; and/or
- review of Superior Court(including The Court of Appeal and The Supreme Court of Canada) appointments by *Commons Justice Committee* (or sub-committee specially appointed for this purpose).

We appreciate that these issues are likely to be viewed as controversial. So too is the subject matter to which they pertain.

5.4 Ministry of Community and Social Services

Violence Against Women *(Services Funded by MCSS)*

The VAW services MCSS funds can be grouped into the two broad categories of shelters and counselling. MCSS funds 98 emergency shelters and over 100 counselling programs for abused women and their children.

Counselling

Counselling is provided to women by a variety of community based agencies including cross-cultural social service agencies, ethno-cultural specific social service agencies, settlement agencies, family service association counselling agencies, catholic family service agencies, etc. Some shelters also provide counselling service to women living in the community (non-residents). The purpose of the counselling is to assist women to break away from the violence and rebuild their lives.

Table Eight - Ministry of Community and Social Service – Support to Victims of Crime (in $'s million)

Program	**1997/98**	**1998/99**	**1999/00**
Violence Against Women Shelters	44.3	53.0*	49.8
Counselling Services	18.6	20.7*	19.4
Total	***62.9***	**73.7***	**69.2**

* - Includes Pay Equity Funding

Emergency Shelters and Related Services

In addition to providing residential support and supportive counselling to women staying at the shelter, and crisis telephone counselling, emergency shelters provide a range of other services, including:

- outreach to women living in the community to inform them of the service;
- support to the children living at the shelter;
- practical support to residents to assist them to access the multiple forms of community and legal supports (financial, housing, justice, legal, informal and formal social networks, local community services etc); and
- follow-up support to women who have left their abusive partner and set up a new home on their own.

For a more complete review of the work of shelters please refer to section 5.7 of this Report. MCSS also has responsibility for youth probation services which is discussed in Sec 5.6 (Ministry of Corrections) of this Report.

5.5 *Ministry of Health and Long Term Care*

The Ministry of Health and Long Term Care provides funding to support the *Sexual Assault Treatment Centres* in hospitals. Currently, there are 27 hospital-based *Sexual Assault Treatment Centres* with twelve satellite facilities.

Table Nine - Ministry of Health and Long Term Care – Support to Victims of Crime (in $'s million)

Program	**1997/98**	**1998/99**	**1999/00**
Sexual Assault Treatment Centres	6.0	6.0	6.0
Domestic Violence Pilots	0.5	0.5	0.65
Total	**6.5**	**6.5**	**6.65**

The Ministry of Health and Long Term Care also provides funding to the *Ontario Network of Sexual Assault Care and Treatment Centres* which was established to increase networking and support between Centres, establish standardization in service provision and initiate professional development opportunities.

In 1997/98, the mandates of seven Centres were expanded to include women who are physically assaulted by their male partners. The service includes emotional support, assessment of safety, safety planning, documentation and photographs of injuries, treatment for injuries and referral to community agencies for ongoing counselling and support.

For a more complete review of the work of SATCs, please refer to section 5.7 of this Report.

5.6 Ministry of Corrections

Provincial Probation, Corrections and Parole

The Federal/Provincial Jurisdictional Split: Nowhere is the effect of split jurisdiction in relation to matters pertaining to criminal justice more pronounced than in the area of corrections and parole. While the provinces retain jurisdiction for administering criminal sentences of less than two years, the federal Parliament has jurisdiction for, in effect, determining how that will be accomplished. Questions of eligibility timelines for early release are set by federal statute even where the sentence is served in a provincial jail. In short, as a general rule, any modification of the status-quo with respect to most issues of provincial corrections and parole administration involve the federal government who must be persuaded to enact desired legislative reforms. Accordingly, this section refers to extensive submissions in relation to the federal *Corrections and Conditional Release Act* (CCRA) and the *Prisons and Reformatories Act* as they are the legislative foundation for what can generally be accomplished within Ontario corrections and parole. Fortunately, the CCRA is currently under review by Parliament having now been in effect for just over six years thus providing the opportunity for improvement.

> *He lives only five minutes from my home. The courts told him to keep away and not be in the area. What can I do? He is on the bus route that I need to take but I can't because I'm frightened that he might be on it.*
> **Sexual Assault Victim, Kitchener**

Probation: For crime victims, the terms of probation which prohibit contact, restrict movement, require compensation (currently of limited applicability), or regulate behaviour to prevent further criminal activity are the most important. To be effective, however, such conditions must be enforced, particularly those that are imposed with a view to preventing repetition of the original offence.

Equally, non-compliance with such orders are highly relevant in determining appropriate future actions in relation to an offender such as parole or bail. Thus, ensuring that violations of probation are formally recorded as such, by way of charge under s. 733.1 of the *Criminal Code*, not only reinforces the intent of the original order but also increases the appropriate application of them to persons not inclined to ignore them.

We were also alerted to a concern in relation to the nature of persons which probation authorities are called on to supervise as a result of the newly created "conditional sentence". Like many others, we are far from convinced that this new sentencing power has accomplished much other than to functionally eliminate the principles of deterrence and denunciation from sentences of less than two years. A consequence of this is that persons who would otherwise have been in custody, (especially for violent offences) are now the responsibility of provincial probation officers with no matching recognition of the special attention such offenders require or, the potential risk that they pose. Since writing this Report, the Supreme Court of Canada has upheld the potential applicability of conditional sentences to such offences and thus, unless the legislation itself is revisited, the change in caseload of probation officers should be recognized.

During our discussions with the *Probation Officers Association of Ontario*, several issues, including current approach to non-compliance, were identified. There does not appear to be a current systemic inclination to record non-compliance by prosecution and, although anecdotal, this appears to be rooted in a distinct lack of enthusiasm for proceeding with such charges on the part of the Crown and probation management. This type of toleration appears to be based on already full caseloads, marginal likelihood of significant consequence for a breach and an inclination to reduce the "failure" rate of the probation system itself which some perceive as being reflected by breach charges. The truth, of course, is that inasmuch as probation (or corrections and parole) deals with people who have already acted contrary to public expectations, certainty is impossible. In fact, a "successful" probation (corrections or parole) system is one that acknowledges the inevitability of non compliance by some offenders and deals with it candidly and effectively. Prosecuting people who violate the trust inherent in a probation order (and securing meaningful sentences) is as much a feature of successful probation as closing a file early. Management that does not promote this approach does a disservice both to the public (including victims) that probation is ultimately meant to serve and the people who work in the different institutions of the justice system.

This approach does not mean dispensing with discretion. Rather, it supports the integrity of a court order like probation and recognizes the fundamental importance of the judgement of the people charged with overseeing offenders and enforcing the law. They are more than capable of identifying the people who are abusing the public trust by ignoring or violating conditions imposed to regulate their behaviour. We wish to make clear that a policy decision to enforce substantive non-compliance as a priority must be accompanied by an infusion of resources to meet what will be the extra work required. Once again, however, the resulting targeted enforcement will result in both public safety and resource dividends as at least this part of the 'treadmill' justice system loses a few repeat runners.

RECOMMENDATION 31: Prosecution of substantial and deliberate non-compliance with probation orders be jointly articulated by the Ministry of Correctional Services and the Ministry of the Attorney General as a priority and adequate resources be directed to both probation and Crown offices to ensure compliance.

We were also concerned to note the report of an apparent increase in violence and threats directed towards probation officers by persons on probation that they are supervising. Obviously, probation officers and their support staff on the front lines must be adequately protected and sufficiently trained. Further, staff must know that they are in no way required to tolerate such abuse and that the response of the Ministry of the Correctional Services' management and law enforcement will be swift and effective.

Finally, our attention was drawn to the increase in caseloads for probation officers throughout the Province. Just as was the case for Crown attorneys and police, simply mandating responsibility is not enough. If we expect the probation system to be effective, and make that public claim, then the allocation of human resources within it must match any increase in offenders assigned to it. Our discussions with the *Probation Officers Association* (POA) suggest that this has not been the case with the consequential result that the quality of supervision necessarily suffers. It is unlikely that any set "formula" can be reached for caseloads per officer given the variety of offenders, their circumstances and the geographical diversity of Ontario. What we do recommend however is a specialized effort on the part of government to assess whether current caseload levels are such as to ensure adequate supervision and that the POA be afforded the opportunity to directly participate in such a determination.[24]

Probation officers in Ontario are housed within the Ministry of Correctional Services for offenders 18 and over and the Ministry of Community and Social Services for offenders under 18. While the general need to deal with different age groups differently is somewhat justifiable, the diversity of the offender population supervised by adult probation is more than such as to have required flexible responses from probation staff. As this section of the Report details, crime victims are directly affected by how probation officers perform their duties including whether they have the time and managerial support for such things as enforcing the restitution, non contact and behavioural conditions which are so important to victims and their future safety and security. We are concerned that above all else, maintenance and indeed improvement of these core functions and responsibilities be recognized as a higher priority than changing the identity of the employer.

RECOMMENDATION 32: All probation services be housed within the Ministry of Correctional Services.

Provincial Corrections and Parole: Ontario is one of only three provincial jurisdictions that has seen fit to create and maintain its own parole board and conditional release process. Regrettably, given current federal corrections legislation and those who enforce it, much of what occurs in Ontario in these areas is determined by those federal laws and policies. Accordingly, substantial improvement in these areas requires a concentrated focus on convincing the federal government to change what it does and what it fails to do. This critically important subject is addressed below but we do not wish to underestimate the importance and generally, positive recognition the Ontario Board of Parole has accorded to victims and victim issues.

In fact, this subject is of such importance and of so broad a nature that early on in our review we recognized that it deserved a more thorough commentary than could be offered in a report such as this. Therefore, it is our intention to complete a specialized review of provincial corrections and parole in a future Annual Report of the Office for Victims of Crime.

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[24] We are pleased to note that the 2000/01 budget included funding for the hiring of a significant number of additional probation officers.

Before leaving this subject however, a number of general observations should be made.

- The quality of parole decisions are directly related to the quality of information supplied by correctional authorities.
- Not all parole decisions will result in successful completion without further crimes being committed. The *only* way to improve processes and learn from what has transpired is to openly review the process leading to release and the aftermath of it. Covering up what is perceived as "embarrassing" is counterproductive and ultimately dangerous.
- Contrary to the position of the Federal Department of Justice, the Crown does owe the public a duty of care in how it administers corrections and parole processes.
- Victims should have the capacity to present their submissions orally.
- The Ontario Board of Parole has made and continues to make victim notification and when desired, input, a tangible feature of decision making.
- The OBP has an impressive, diverse membership reflecting backgrounds relevant to the difficult task before it.
- The OBP should be able to detain offenders serving sentences of less than two years.
- Ontario should explore whether the jurisdiction of the province over length of sentence, and thus parole, could be expanded from two years less a day to five years.
- Corrections must be recognized as a societal institution where the goal is public safety and crime reduction.

Victim Participation at Ontario Board of Parole Hearings: While it is our intention to provide a more detailed report on victims and the parole process, we felt it appropriate to deal with an issue on which action can, and should be taken. The current practise of the Board whereby victims can appear before Board members, in the offender applicant's absence, but not at the actual hearing and as a consequence, without making oral submissions, is out of date and inconsistent with this government's clear commitment to providing greater voice to victims in appropriate circumstances.

We are aided in this view by the relatively recent procedural reforms enacted within the B.C. Board of Parole that permit victim attendance and oral presentation at the offender's parole hearing. Unfortunately, this progressive and eminently justifiable improvement has not been replicated by the National Parole Board of Canada but it is time for Ontario to do so.

Victim participation at parole hearings should be confined to an oral presentation to the Board, likely at the end of the hearing after having heard the offender submissions including the details of any release plan and proposed supervisory conditions. This will likely necessitate an amendment to the *Freedom of Information and Personal Privacy Act* (potentially as section 20(6) whereby disclosure of such information in accordance with a Victim Participation regulation pursuant to section 60(j) of the *Ministry of Corrections Act* is deemed not to constitute a violation of a privacy interest or by other amendment whereby the public interest in disclosure is deemed to outweigh the privacy interest as per s. 8(2)(m) of the federal *Privacy Act*) and enactment of a Victim Participation regulation pursuant to the *Ministry of Corrections Act*.

The content of a victim presentation can also be restricted to matters germane to the considerations of the Parole Board, including:

- the effect of the crime at the time on the victim and their family;
- any ongoing effects; and
- concerns of the victim with respect to the proposed conditional release of the offender.

Naturally, the Board must be able to preserve and maintain appropriate order during the Board hearing and victims will need to apply and be approved to make an oral presentation. Ensuring victims are aware of this ability will be an important new duty for local victim services although the Board should consider the merit of mandatory notification in some kinds of cases. Finally, the participation of the victim should be to ensure that their voice is literally heard on relevant issues and not to cross examine or question either the offender or the Board. Equally, it is not appropriate that the offender or anyone assisting them be entitled to cross examine the victim. In cases where the victim provides relevant information surrounding the viability or appropriateness of a particular release plan, it is conceivable that the offender or the Board might want time to respond or investigate the matters raised by the victim. Any potential delay will be more than offset by the increase in public safety that such information may well provide.

In summary, Ontario corrections and parole actions and attitudes towards crime victims and public safety are models that the federal equivalent systems would do well to emulate. How that might be accomplished and built upon will be one of the subjects of our more detailed Annual Report.

Federal Corrections and Parole: In Ontario each year, there are approximately 3,500 inmates in federal custody and an additional 2,600 on some form of conditional release. These are, of course, among the most serious offenders and thus for victims, interaction with corrections and parole authorities is essential. In September of 1995, a special National Parole Board *Unit* was established to deal specifically with victims of these federal offenders. Since its inception, this group, operating out of Kingston, has established itself as a true leader in making victim concerns heard by criminal justice institutions that affect them. They quickly determined on a "one stop shopping" approach so that the victim could contact the unit and thereafter have all their issues addressed. From notification, to information gathering (including transcripts, police reports, victim statements etc) our impression is that this unit has gradually evolved and created a quality control focus to ensure that the National Parole Board (NPB) members have complete files prior to making release decisions.

Naturally, this led to ensuring a Correctional Services of Canada (CSC) presence in the unit and that too has now improved the overall assurance that victim needs are not forgotten. The unit now facilitates victim attendance at conditional release hearings and maintains an impressive internal victim notification system which is supplemented by practical and informative material explaining the often confusing parole decision making process. They have established contacts with both police and Crown to ensure that critical information is present on the file prior to decision making and they are constantly attempting to find ways to ensure victims are aware of their existence as the CCRA requires a victim request to activate their involvement.

As is no doubt apparent, we are extremely impressed with the people who operate this unit and would only offer the observation that they could do with a few more people and a CPIC terminal. Our Office has already established a working relationship with the unit that will continue and expand to include our extended report on Ontario corrections and parole.

The larger problem for crime victims and, in our judgement, for this unit, is the philosophy held by the leadership of Correctional Services of Canada to dramatically increase the number of offenders released into the community. In the late summer of 1998, our Office became aware of internal CSC documentation that outlined this intention to increase the rate and number of federal releases to achieve a numerical balance (50/50) by the year 2000. In April of this year, Premier Harris publicly condemned this approach and cautioned the federal government that such policy was both unwise and contrary to the criteria for decision making in the federal legislation itself. That intervention resulted in a denial of the existence of any quota and repeated confirmation that such a policy would not be followed in the future. Past experience has shown, however, that real and continued vigilance will be required to ensure that public safety and the rule of law are not compromised by the inclination of CSC managers to implement an accelerated release policy notwithstanding. Literally, in our judgement, this represents the single greatest threat to public safety in Ontario today and thus a priority in any victimization prevention efforts.

As part of that effort, in May 1999, the OVC made a submission to the Corrections and Conditional Release Act *Sub Committee of the Commons Standing Committee on Justice and Human Rights*. Its comments and recommendations are as relevant today as then. Put simply, this submission details a series of practical and focused amendments to the CCRA which will reduce the prospect of future victimization by reducing the opportunities for repeat offenders to be in a position to commit new crimes and create more victims. An excerpt of the OVC submission is attached (Appendix #11).

5.7 Victim Services for Women and their Children

Any review of services for women and their children victimized by violent crime such as sexual assault or domestic assault, must include a review of the internal administrative structure for the delivery and funding of those services. An appropriate starting point is the creation of the *Violence Against Women Prevention Initiatives* (VAWP) which evolved over the past fifteen years or so from two separate initiatives (*Wife Assault Prevention Initiative and Sexual Assault Prevention Initiative*) into the *combined* current program. This recognition by government of the inherent value of linking what are essentially anti-violence efforts is significant and worthy of note during the entirety of this report.

Ontario's VAWP strategy is coordinated by the *Ontario Women's Directorate* and receives funding through the *Agenda for Action*, which was announced in July 1997. These initiatives are specifically geared for women who are victims of crime. The services and programs funded by the *Agenda*, expand across various government ministries, which include: the Attorney General; Citizenship, Culture and Recreation; Community and Social Services; Training, Colleges and Universities; Education; Francophone Affairs; Health and Long-Term Care; Northern Development and Mines; Solicitor General; and Correctional Services. This multiple Ministry effort will serve as the focus of the following section with particular attention being paid to the ministries providing direct services to women and their children victimized by violence, like the Ministry of the Solicitor General (Sexual Assault Centres), Community and Social Services (Domestic Violence Shelters) and Health and Long-Term Care (Sexual Assault Treatment Centres).

The *Agenda for Action* funding of $27 million over four years is designed to improve coordination of programs among the participating ministries as well as to improve service delivery models. This approach is based on three key strategies:

1. Providing safety through crisis intervention and support;
2. Supporting victims and holding perpetrators responsible by improving the justice system response; and
3. Preventing violence by enhancing education and awareness.

It is important to note that the innovative projects funded by the *Agenda for Action* have built upon the existing provincial programs established for the prevention of violence against women and their children. Accordingly, a large number of innovative pilot projects have been funded through this strategy. The Ontario government ministries listed above and the *Ontario Women's Directorate* form the governing body for the *Agenda for Action* through which the project funding is dispersed. Two inter-ministerial committees, at the staff and Assistant Deputy Minister level representing the ten Ministries involved, were scheduled to meet regularly to oversee the *Agenda for Action* and VAWP initiatives. Each ministry that receives funding for projects is required to account for the proper expenditure of funds and participate in the governing committees. Furthermore, each ministry must implement and evaluate their respective projects. In addition to programs already in existence, new initiatives were brought forward for fiscal year 1997/98 totaling anywhere from $5.3 million to $5.6 million,[25] with anticipated future spending of approximately $7 million annually thereafter for the next three years.[26]

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[25] OWD Briefing Note – July 1998.

[26] MSG reports 1998/99 OWD Agenda for Action allocations totaled $7,378,000.00. Actual program expenditures unknown.

Examples of innovative projects funded by the *Agenda for Action* include: *Domestic Violence Courts*, the addition of the *Domestic Violence Projects* in the Sexual Assault Treatment Centres, as well as Special Legal Services offered to abuse/assault survivors through a community legal clinic. The expansion of both the *Domestic Violence Courts* and *Domestic Violence Projects* in Hospitals, exemplify the success of the pilot projects supported by the *Agenda for Action* funding, which has lead to ongoing funding support for some initiatives.

While this multi-ministry collaboration reflects a government-wide commitment on behalf of women and children victimized by violence, without careful scrutiny of all programs and strong accountability mechanisms, this type of initiative risks the inevitable result of fragmentation and potential duplication of effort. In addition to the risk of duplication of services, this type of multi-ministerial initiative may endanger the creation of an equitable system of service delivery to other victims of crime. The OWD has remained vigilant in providing the services required by its target group, however it could be argued that this has had a detrimental effect on the availability of funding for services to other types of victims of crime. The point is whether this fragmented approach best accomplishes the stated strategy, itself only in place to serve the interests of victims of crime.

As the Ministry of the Solicitor General and Correctional Services (now divided into Ministry of the Solicitor General and Ministry of the Correctional Services) materials on SACs for 1998 states: *"Sexual Assault/Rape Crisis Centres are funded by Ministry of the Solicitor General and Correctional Services since sexual assault is an issue of criminal justice and public safety"*. This is a good point when reflecting on appropriate location for other crime generated victim issues such as domestic violence.

The note also confirms that included among the services offered by SACs are: crisis and support telephone line, court, police and hospital accompaniment, supportive counselling services, public and professional education, information and referral services and community development and liaison. It must be made clear that many women do not use SAC but the services provided by them are a part of the Ministry of the Solicitor General (MSG) mandate with a consequential and necessary bureaucratic infrastructure to support them. Does this mean that other Ministries therefore do not duplicate this MSG mandate? It does not. Our review of the May 1998 *Violence Against Women Prevention and Support Initiatives* document, reveals the following ministerial participation supporting public education programs in relation, in whole or in part, to violence, including sexual violence against women and their children:

Table Ten – Public Education/Prevention Programs and Grants

MINISTRY	*INITIATIVE*	*ALLOCATION*
Ontario Women's Directorate	Public Education	\$.2m
	Grants	\$.675m
	Prevention Services	\$.855m
Ministry of Education	Prevention Programs	\$.133m
	Public Education	\$.181m
Ministry of Health	Grants	\$.07m
Ministry of Northern Development and Mines	Grants	\$.3m
Office of Francophone Affairs	Public Education	\$.124m
Ministry of Citizenship, Culture and Recreation	Prevention/Education & Grants	\$.43m

These expenditures are on top of the approximately $9.5 million spent by the Ministry of the Solicitor General in relation to sexual assault victims and prevention. To be fair, most of the amounts listed are generic anti-violence programs and we are not questioning the value of what is being provided. What must be addressed, however, is whether such a diffusion of responsibility is:

- the most cost effective method of delivering the anti-violence programs;
- the method best suited for public accountability of expenditures and, most important; and
- the best method to get the greatest volume of scarce dollars into front line services for victims of crime.

A review of the programs of the VAWP suggests that there is obvious overlap and duplication and that selection of a single Ministry to house programs dealing with the prevention of violence against women in combination with services with women victimized, may be desirable.

RECOMMENDATION 33: Responsibility for victim services and violence/crime prevention programs in relation to women (and the budget allocations attached thereto) be reviewed to determine whether consolidation of existing activities within a single Ministry would enhance the attainment of the goals of the Violence Against Women Prevention initiative.

Sexual Assault/Rape Crisis Centres (SACs)

The Independent Nature of Sexual Assault Centres - As this report detailed earlier, rape crisis and sexual assault centres grew out of the non-response of the institutions of the criminal justice system. Thus, for SACs and domestic violence shelters which shared a common experience, the need for an independence, outside the existing system is fundamental to their very ability to assist women victimized by violent crime. As well, both SACs and shelters determined that the status quo, within the criminal justice institutions and society at large, required change if the violence against women was ever to abate. Advocacy of systemic reform is, by definition therefore, almost always, a vastly higher priority than what exists in public victim services.

The *Ontario Coalition of Rape Crisis Centres* (OCRCC) expressed this approach forthrightly in its response to a previous report of government in which they concluded proposed reforms would have compromised this basic independence:

> *"Rape Crisis Centers were established on the basis of a gender analysis-sexual violence against women and children is power-based, gender based, structurally supported and therefore political. Sexual violence against women and children is both a crime and a human rights violation. This feminist political analysis of sexual violence is essential to the work done by Centers. Members clearly give the message to women that they are not to blame; it is not their responsibility to stop the violence. It is recognized that this approach is not comfortable for all women and that some women may choose to access more traditional services."*

This frank assertion by the Coalition confirms what was made clear to us during our review of services. First, many women who are victims of sexual assault, whether because of the "political" analysis or not, simply choose not to use the services provided by centres. Second, without in any way diminishing the validity of the foregoing political analysis, some service providers within both shelters and centres are of the view that their primary focus must rest with the services they are able to provide before turning to systemic or political reform. This is a difficult issue as our own experience dictates that the criminal justice system both needs, and is capable of reform and providing service alone, even an improved service, does not, of itself, prevent future victimization. We must add however, that in conducting this review and preparing this report, we have been advised, and agree, that our primary focus should be attaining and enhancing services for women and their children victimized by crime.

It must also be acknowledged that the sad fact, forcefully articulated by centres and shelters, remains that a significant number of women victimized by violent crime choose not to attend either women-centred services or public services because of their conclusion of the innate hostility of the justice system to women victimized by violent crime. If we are candid, we must acknowledge that the decision to not turn to the justice system is also not confined to women victimized by violent crime but, in fact, is a growing attitude amongst crime victims generally. No one can render victimization painless or interaction with the justice system trauma free, but a justice system that once again helps more than it hurts is essential in restoring public confidence and trust. Improving the services for victims of crime is a good first step in that process and we are encouraged by this government's commitment, as evidenced by this Office, to do just that.

Enhancing the availability and scope of services for women (as well as all others) who have been victims of violent crime is one of the intended goals of this report. While our recommendations include those things which centres (and shelters) have identified as necessary, our ultimate focus is on the service and not the service provider. Thus, for example, ensuring that victims are able to access and provide necessary information in relation to bail applies both to a SAC and a local victim service. Independence, in other

Table Eleven - Profile of Sexual Assault Centres and Sexual Assault Treatment Centres Interviewed [Note]

About the Organizations Interviewed:	**Number of Sexual Assault Centres and Sexual Assault Treatment Centres that completed questionnaires *(face-to-face interviews and mail in questionnaires)***	**63**
	Person's Employed *	**182.3**
	Number of Volunteers *	**1,142**
	1996 Number of Victims Served *	**35,181**
	1997 Number of Victims Served *	**35,718**
	1998 Number of Victims Served *	**37,928**
Services Provided as Identified by Service Providers:	**Homicide**	**13%**
	Sexual Assault	**97%**
	Domestic Violence	**59%**
	Threats/ Stalking	**54%**
	Assault	**23%**
	Robbery	**3%**
	Break and Enter	**10%**
	Theft/ Fraud/ Property	**3%**
	Impaired Driving	**3%**
	Hate Crimes	**13%**
	Child Abductions/Missing Persons	**8%**
Services Provided To:	**Seniors**	**69%**
	Disabled	**69%**
	Gay and Lesbian	**64%**
	Gender Specific	**90%**
	Children	**64%**
	Cultural	**64%**
Nature of the Service Provided:	**Crisis Intervention**	**87%**
	Information and Referral	**92%**
	Counselling	**90%**
	Follow-up	**72%**
	Legal Assistance	**41%**
	Public Education/Advocacy	**87%**
	Practical Assistance	**41%**
	Pre Charge	**38%**
	Post Charge	**26%**
	Pre Court	**49%**
	Court	**54%**
	Pre Sentence	**44%**
	Post Sentence	**21%**
	Compensation/ Restitution	**33%**

Note: The survey results are limited as not all sites fully responded. MSG reports that:

- 34 funded SACs had 90,328 victim contacts in 1997/98
- 34 funded SACs had 94,543 victim contacts in 1998/99; and
- there were 3,516 active volunteers in 1997/98.

words, does not translate into exclusivity.

It must also be pointed out that some centres provide services to victims other than women who have been sexually assaulted, including children and male victims of the same violence and victims of domestic violence. Many centres also pointed out the critical shortage of such services for:

- male victims of current and historical sexual assault;
- parents of children who have been sexually assaulted; and
- victims of crime who have disabilities.

Just as sexual assault treatment centres appear to be moving towards a combined sexual assault/domestic violence service, so too does the extension of services offered by most SACs to the above mentioned groups merit consideration.

RECOMMENDATION 34: Sexual Assault Centres/Rape Crisis Centres be maintained independent of other victim services.

RECOMMENDATION 35: The Ministry of the Solicitor General review all Sexual Assault Centres' service capacity with the express purpose of identifying the interest and need for provision of services to child victims, disabled victims of crime and the parents of children who have been sexually assaulted as local circumstances require, increase funding to ensure provision of such services through the Sexual Assault Centres.

RECOMMENDATION 36: That the Ministry of Solicitor General recognize that there is a need for services specific to current and historical male victims of sexual assault and that the Ministry expand the Cornwall Project Truth pilot project into other communities across Ontario.

The Current Situation

***Funding*:** SACs are funded by transfer payment from the MSG. Some receive funding from other Ministries of Government, the *United Way*, municipal government, the *Trillium Foundation* and other charitable donations. Thirty-four such Centres are funded on an annualized basis from MSG and are all also required to supplement their revenues by local fundraising (SACs are generally incorporated as either charitable or not for profit corporations). Virtually all Centres identified the inadequacy of public funding as a problem as it results in their spending time, and resources, on fundraising rather than providing the core services they are set-up to deliver. The local connections engendered by activities like fundraising are essential but at the same time it should not be the case that core service delivery is dependant on charitable donation unless that is the clear and articulated intent of government. We suggest that as this does not appear to be the case, government has an obligation to ensure that core services are properly funded.

MSG funding comes with comprehensive (and it appears entirely appropriate) regulatory requirements which include core service mandates. We wish to be clear that inasmuch as violence prevention and public education are recognized goals of MSG, VAWP and the *Agenda for Action*, that the provision of this service by the front line centres should be recognized as a core service meriting transfer payment. It would appear that a review of the approved funded mandates in consideration with centre activity would be helpful in assessing whether an increase in transfer funding (on this basis alone) should occur.

RECOMMENDATION 37: The Ministry of the Solicitor General undertake an immediate review of restrictions on transfer payments to Sexual Assault Centres to ensure conformity between the goals of the Agenda for Action and funding to front line shelters.

We also wish to record our observation that the Province is well served by the people who work in the various SACs and that their long hours, in obviously difficult circumstances, should be recognized. We offer this not as an honorific but instead as counsel that the value of the work they do should be reflected in the compensation they are provided. We have been led to believe that the workers providing this recognized and according to public government material, essential and high priority work, have not had either their own compensation or the service funding reviewed in something approaching eight years.

RECOMMENDATION 38: Ministry of the Solicitor General review compensation provided to Sexual Assault Centres' staff and service funding in light of the recognized importance and difficulty of the work performed and the absence of any such review in the past years.

Facilities and Infrastructure: One of the subtle but important aspects of dealing with persons traumatized by crime is to avoid anything that suggests that they are somehow to "blame" for what has happened to them. This is especially the case in crimes of violence and even more so where the victim was already vulnerable at the time of the crime. Thus, the surroundings in which the person encounters a victim service is of some importance. Third hand couches, broken chairs and cramped space all provide the wrong message to the victim in relation to their own self worth and should be avoided wherever possible. Further, shelters and SACs should be safe for both victims and staff and some shelters and SACs identified a need for installation of security systems to achieve this. Our Office would be willing to assist in any assessment of conditions but it is probably something better left to the MSG and the individual SACs. Given the importance of the issue, we do however foresee the need for a specific inclusion of moneys for facilities improvement. Whether this comes from new MSG allocations, unused CVIP grants, the *Agenda for Action* program, the VJF, the Trillium Fund or some other pocket, the issue merits action.

RECOMMENDATION 39: A facilities upgrade grant program for Sexual Assault Centres be established through the Ministry of the Solicitor General.

Our review of SAC's reveal a mix of quality of facilities but a particular reference to the value of enhanced computers and software programs to assist in the work of shelters. This enhancement would be timely given the anticipated roll-out of the *Integrated Justice Project*. We agree with the commitment made by the *Blueprint* document to ensure that all SAC's and shelters are linked electronically to the *Integrated Justice Project*. This should also include Internet capacity with adequate hardware to make full use of what will be available. As well, given the vastness of the province and the need for satellite and outreach programs, fully programmed laptops are necessary. Appropriate computer equipment is as much a part of a modern service today as pencils and paper were in the past.

Finally, many local SACs (and shelters) identified the desire for what amounted to a better research or library facility for use operationally and in training and public education. Once again, we believe the information technology available today, if coupled with upgraded equipment will provide a cost effective solution in a joint OVC-*Ontario Coalition of Rape Crisis Centres* (OCRCC), *Ontario Association of Interval and Transition Houses* (OAITH) On-Line Library. Development of this project should be the financial responsibility of the OVC.

RECOMMENDATION 40: All Sexual Assault Centres be included, as appropriate, in the Integrated Justice Project and that the Ministry of the Solicitor General ensure that all Sexual Assault Centres be equipped with adequate computer systems, including laptops and full internet capacity as an immediate priority.

RECOMMENDATION 41: The Office for Victims of Crime establish an on-line library of research and victimization materials in partnership with Ontario Coalition of Rape Crisis Centres and the Ontario Association of Interval and Transition Houses and ensure access to the library by all shelters, Sexual Assault Centres, and local victim services, and offer access to all other persons or institutions.

Linguistic and Cultural Issues: Many SACs (and shelters) commented on the ever-growing need to be able to effectively respond to the changing characteristics of the women and children victimized by violent crime. Ontario, quite simply, is a multi-cultural, multi-lingual society to which services like SACs, shelters and, indeed, the administration of justice itself, should reflect, or at least initially, respond to the extent required by local circumstance.

Francophone services for women have increased with the *Agenda for Action* programs and the MSG commitment to this is further evidenced by the establishment of a 1-800 crisis line for the Northwestern region of the Province and joint OWD/MSG funding for French language services at SACs in Windsor, Niagara, Chatham-Kent, Hamilton, Barrie, Ottawa, Sudbury and Timmins. At the same time, MSG now funds four VCARS sites with bilingual capacity, six bilingual PAR programs and runs the VSL and *Supportlink* as bilingual services. In short, bilingual services continue to expand in Ontario.

In a similar vein, at a minimum, adequate multi-lingual translation services are a necessity, especially for all victim services. SACs and shelters in metropolitan and large urban centres identified the current absence of this service as a significant barrier to helping women and children victimized by violence. This is a situation that will only become more urgent in years to come and thus it merits a priority that calls for both immediate and long-term solutions.

Because of the apparent absence of any centrally organized translation services, the various institutions of the justice system, including victim services, tend to rely on individual ethnic/cultural organizations to secure translation services. This ad hoc approach is viewed as problematic in terms of availability and consistency from a service provider perspective. There also appears to be an irregular pattern as to whether these organizations are compensated in any way for the valuable work they perform. A provincially organized translation service, based on these ethnic organizations available (at a fee) to all administration of justice agencies and victim services (without fee) would also be helpful in building contacts within these communities. Such funded translation services should be in place for all victims of crime as a result of a provincial recognition of the inherent need for such a service. Local victim services or community groups should not be expected to modify existing budgets, seek corporate donations or otherwise attempt to find the financial resources necessary to ensure crime victims in Ontario that speak other than English or French can be understood when they seek help after being victimized by crime.

Ensuring aboriginal women are comfortable in seeking out help when victimized by violence involves making special effort within aboriginal communities and in adapting or modifying traditional approaches to those women. This will potentially cost more money as localizing such services for smaller numbers of women and funding outreach and education as well as longer counselling are relevant (in part due to the geography of the north) if assistance is to be meaningful.

Finally, all women's service providers that spoke of cultural issues stressed the need for cultural training on the part of police, the Crown and judges so as to avoid misinterpretation of information, actions, attitudes and even mannerisms of women from cultures other than their own. Given the mandate of the justice system to seek the truth, recognizing it, in its diversity, is fundamental.

As our report details later, using specialized or non-traditional methods within the criminal justice system in appropriate circumstances should be considered. We are aware, for example, of such efforts in particular in various aboriginal communities throughout Ontario in the form of healing circles as an adjunct to the existing criminal justice process. While any such program must always be considered from the appropriateness and participation of the victim as a prerequisite, it is certainly clear that our existing justice system does not possess a monopoly on effective crime and victimization prevention.

RECOMMENDATION 42: Provision of multi-lingual translation services, where necessary, including a 24/7 translation line, be recognized as a core responsibility of government in provision of victim services in Ontario

RECOMMENDATION 43: The Ministry of the Solicitor General implement a 24/7 French language women's crisis line for Francophone women seeking the closest shelter/Sexual Assault Centre or other service offering Francophone services and that the province ensure the availability of Francophone shelter/ Sexual Assault Centre service throughout the province where appropriate need is identified.

RECOMMENDATION 44: Cultural training as described in this report be provided for victim service workers, police, Crown, probation and parole authorities, Justices of the Peace and judges in Ontario.

Sexual Assault Treatment Centres (SATCs)

History: In 1978, a Consultation on Rape was co-ordinated by the *Ontario Justice Secretariat* to identify strategies to improve the ability of the Justice Policy Field to respond to the problems of victims of sexual assault. This Consultation led to a major new initiative in the development and distribution of a standardized sexual assault evidence kit in cooperation with the Ministry of Health. Special assistance on the design of the kit was provided by representatives of the *Ontario Medical Association's Centre of Forensic Sciences*, the *Niagara Region Sexual Assault Centre* and the Ontario Provincial Police.

The standardized kit had two major objectives. It was designed to improve the investigation and prosecution of sexual assault cases by ensuring that all the rules governing the collection of forensic evidence and its admissibility in court had been carefully adhered to. This would prevent successful challenges to the Crown's case on technical grounds regarding the collection of the evidence. Use of the kit facilitated the cooperation of medical and hospital personnel by providing them with detailed information on the forensic procedures with which they have been unfamiliar in the past. The standardized kit was also designed to focus the hospital's attention on the special medical and emotional needs of persons who had been sexually assaulted.

The evidence kit standardized medical and forensic procedures to be followed in the treatment of sexual assault victims in Ontario. It provided hospital staff with detailed instruction and all the materials necessary for collecting clothing, debris, body specimens, etc., which may have potential use as forensic evidence. Should the victim wish to report the offence to the police, the materials were collected by a doctor or nurse and were handed over to a police officer for delivery to the *Centre of Forensic Sciences*. The procedural guidelines in the kit also contained a special section on treatment and follow up procedures for patients reporting sexual assault. To promote the use and understanding of the standardized evidence kit, the Justice Secretariat commissioned a videotape to accompany its introduction into Ontario hospitals. The videotape, entitled, *Helping the Victims of Sexual Assault*, was designed primarily as a teaching aid for physicians and nurses to familiarize them with the forensic procedures and the legal requirements surrounding the investigation and prosecution of sexual assault cases.

Regional meetings hosted by local hospitals and arranged in consultation with the *Centre of Forensic Sciences* and the local offices of the Crown Attorney, were held across the province to show the videotape and to respond to concerns and questions about the use of the evidence kit. The evidence kit was kept in the Emergency Department of all hospitals on a twenty-four hour basis. It was used when a person came to the hospital complaining of sexual assault, and wished to consider the option of making a report of the offence to the police. The investigating officer was responsible for providing the hospital with a replacement kit. All police forces in the province received a stock of kits from the *Centre of Forensic Sciences.*

In 1979, the *Ontario Provincial Secretariat for Justice Consultation Group* comprised of the Ministry of Attorney General, the Ministry of Health, the Ministry of Solicitor General and the *Ontario Women's Directorate* recommended there be specialized hospital programs established for the 24-hour collection of forensic evidence and for the care and treatment of sexual assault victims/survivors. In 1983, The Ministry of Health began its commitment to establishing these programs. District Health Councils were asked to identify the need for *Sexual Assault Care and Treatment Centres*. They were asked to do community consultations, determine a hospital to be designated, and then submit a proposal to the Ministry of Health. In 1984, The *Sexual Assault Care Centre* (SACC) at Women's College Hospital in Toronto was the first Centre to open its doors.

The Ministry of Health and Long Term Care continues to provide funding to support the *Sexual Assault Treatment Centres* in hospitals. Currently, there are 27 hospital-based *Sexual Assault Treatment Centres* with twelve satellite facilities. Training for nurse examiners to administer the Sexual Assault Evidence Kit began in 1995. Approximately 150 nurses from 15 centres participated in this voluntary program. It is expected that by 1999, all 27 *Sexual Assault Treatment Centres* will have on-call nurses trained as examiners.

Ontario Network of Sexual Assault Care and Treatment Centres

The *Ontario Network of Sexual Assault Care and Treatment Centres* was established in 1993 to increase networking and support between Centres, to establish standardization in service provision and to initiate professional development opportunities. The Network's service is predominately hospital-based and funded by the Ministry of Health and Long Term Care. Their teams are staffed with nurses and physicians on-call 24 hours a day who respond at the hospital to offer and provide emotional support, medical treatment, forensic evidence collection to women, children and men who have been recently sexually assaulted. They also provide follow-up health care and counselling (if funded to do so). They refer clients to agencies in the community such as shelters, rape crisis centres, counselling services, legal services who can assist with specific needs. The Network feels that collaboration with partner agencies is essential to assisting and supporting the assaulted woman/child/man.

There are variations to the above description among SACC/SATC structure and function depending on existing services in the community. In some programs, funds are transferred from the hospital to a community agency to provide counselling services. The *Ontario Network of Sexual Assault Care and Treatment Centres* (ONSACTC) pioneered the training of sexual assault nurse examiners in Ontario. Building on the knowledge and expertise acquired through founding this program, the

Network felt they could develop and implement a training module for Centres that wish to expand their mandates to include victims/survivors of domestic violence.

In 1997/98, the mandates of seven Centres were expanded to include women who are physically assaulted by their male partners. The service includes emotional support, assessment of safety, safety planning, documentation and photographs of injuries, treatment for injuries and referral to community agencies for ongoing counselling and support. The Network is anticipating that the evaluation of this project supports the expansion of the mandate of all SACC/SATCs to include domestic assault.

The concept of SATCs (see Map #9) is as simple as it is important. Providing victims of a sexual assault with a non-threatening, non clinical, and discrete environment during which they can attend for examination (including gathering forensic evidence), and videotaped statement taking, SATCs exemplify a focus on as positive an initial contact as possible with victims and the justice system. Our Office was fortunate enough to have been able to gain specific knowledge of the SATC in existence at the *Trillium Health Centre* in Mississauga known as *Chantal's Place*. Like other SATCs, its features include:

- specially trained nurses who operate on a special on-call basis;
- location within a hospital setting specially modified in accordance with consultations among health professionals, survivors and police;
- formalized agreements between the hospital and police with respect to retention of forensic evidence;
- partnership with shelters/SACs, other medical facilities, Crown office and police within catchment area;
- funding from Ministry of Health and local service club (Rotary);
- elimination of need for physician attendance;
- reduction in time required to be spent by investigating police officers with victims;
- improved investigations and conviction rates; and
- application of facilities to situations of domestic violence.

Best Practice: Chantal's Place

Chantal's Place is a model which involves community participation and provides victim/survivors a unique collaboration of services. It is a place where survivors of Sexual Assault and Domestic Violence can attend with their support person and/or children to be examined and treated and if they choose, they can provide a video taped statement to police in a quiet, comfortable, non clinical, non-threatening environment. *Chantal's Place* is a private four room suite created with input from medical professionals, social agencies, police and survivor groups and is located in the *Trillium Health Centre*, Mississauga.

Chantal's Place became designated as a *Sexual Assault/Domestic Violence Centre* which meant that a victim/survivor of domestic violence/sexual assault who presented at one of the other local hospitals would be transferred to *Chantal's Place* for treatment and documentation. *Sexual Assault Nurse Examiners* (S.A.N.E.) were trained to treat minor injuries related to sexual assault and domestic violence. At the request of the S.A.N.E. nurses, the police conducted training of the documentation of injuries for those persons who might decide to have police involvement. This documentation included written and photographic evidence collection as well as the collection of forensic evidence. An agreement between the police and hospital, with the collaboration of social agencies working in the area, allowed for the storage of physical evidence for up to six months. If a particular individuals' physical evidence were approaching the six-month expiration time, the individual would be contacted to determine their wishes. If the individual wished to involve the criminal justice system the police would be called, statements taken, and evidence seized for analysis. If the individual did not want the criminal justice system involved the samples would be destroyed. Should prosecution become an option for the individual, the case would be well documented for the criminal prosecution.

The development and completion of a regional wide *Sexual Assault Emergency Response Protocol* was signed by representatives of the *Peel Regional Police Service*, the *Ontario Provincial Police-Caledon Detachment, Credit Valley Hospital, Peel Memorial Hospital, Trillium Health Centre-Mississauga, Caledon Community Services, Caledon Victim Services, Dufferin Caledon Health Care Corporation, Peel Crown Attorneys Office, Peel Committee on Sexual Assault, Sexual Assault/ Rape Crisis Centre of Peel, Victim Services of Peel, Family Transition Place, Interim Place, Peel Health: Healthy Sexuality Clinic, Victim/Witness Assistance Program.*

In addition to a setting more conducive to the victims' needs, the police find it easier to establish a rapport which is required to have better communication with the victim during the police interview The police have found that the actual time spent by a victim/survivor with the police officer has been reduced from approximately 9 hours to less than 5 hours on average in 1999. The doctor involved time in 1999 has been reduced to nil with S.A.N.E. nurses doing all the examinations to date. When the examinations and interviews is complete, the victim/survivor can be immediately connected with community and hospital support services specific to their needs.

The *Agenda for Action* includes expenditures for testing the expansion of 7 of the existing 27 SATC sites to include domestic violence. Thus, current government spending (January 1999) is approximately $7 million annually. The importance of dealing with victims of sexual and domestic violence appropriately *in the first instance* is of first priority both for crime victims and for a criminal justice system committed to excellence.

RECOMMENDATION 45: The government should ensure the establishment of Sexual Assault/Domestic Violence Treatment Centres, with community participation, throughout Ontario as required.

Community Liaison: Both shelters and SACs do more than provide a safe environment for women victimized by violent crime. They are actively involved in assisting victims to deal with the consequences of what has happened to them which, of necessity, frequently involves interaction with other agencies bodies institutions and individuals within and without the criminal justice system. The term frequently used within shelters/SACs is "advocate" but we wish to specifically note that much of this advocacy is what others would simply call assisted referrals. That is, when a victim needs to contact an employer, social assistance office, landlord, school, or prosecutor, the victim service can either give her a phone number ***or*** make the call and, so far as possible, facilitate the victim receiving what she needs. The benefit of this approach is obvious to the victim who is likely already in a state where such contacts are more difficult. Equally, rather than require this process to be literally re-invented on each occasion, the victim service develops the network of contacts within the respective areas (many of whom likely are or will be involved in the local governance of the service itself) and acts almost like a "broker" of the various services in existence. Our review of shelters and SACs indicate that this time consuming but necessary function is not adequately available in some services and that some additional funding will be required to achieve it.

RECOMMENDATION 46: The operating budgets of Sexual Assault Centres and shelters be reviewed and increased, where necessary, to ensure a community liaison function as described in this report is part of the service provided.

Legal Issues: There is also a frequent legal overtone to much of the institutions female victims of violence face and, once again, the principle of assisted referral is desirable. While each individual shelter/SAC does not necessarily, in our view, require a staff lawyer, they do require easy access to legal advice and or counsel experienced in the relevant areas of practice. This access to legal assistance on a shelter/SAC basis, should cover case specific issues and not systemic ones. A *Legal Assistance Fund* administered by the OVC, and available to individual shelters and SACs, to cover such areas as that could meet many of the concerns identified to us.

- *O'Connor*[27] records applications;
- Bail/probation and parole issues;
- Deportation as the spouse of an offender or as a result of prosecution;
- Restitution and restitution enforcement; and
- Sexual Harassment issues.

As well, we urge the government of Ontario to bring into existence the long awaited approval of contingency fee billing for lawyers in Ontario. This practice, with appropriate regulation, should go a long way to facilitating victims seeking civil redress for wrongs done to them without resort to limited legal aid funding or private resources.

It is also our recommendation that the OVC develop a *Student Legal Services Program* whereby law schools add victim assistance to the areas covered by current student legal assistance programs. The mutual benefits now realized when students assist in

> *Most victims are the innocent, who suffer at the hand of unknown predators. The predator is protected with all kinds of rights such as free legal aid, bail, protection etc. The victim is left to suffer alone, often they lose their home and income – who will give these victims some rights?*
> **T. McCuaig, Family Member of Murder Victim, Ottawa**

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[27] R v O'Connor (1995) 103 C.C.C. (3d) 1 (S.C.C.)

the defense of those persons charged with crimes would be expanded with the provision of legal assistance to persons *victimized* by crime. Civil enforcement, immigration, criminal injuries compensation, landlord and tenant, criminal procedure, and family law are all areas in which assistance would be valuable and practical experience would be forthcoming. Finally, so as to avoid confining the benefits of such a relationship to those locales which possess law schools, we propose that all local victim services, shelters and SACs be equipped with video conferencing equipment as well as the participating law school. Quite apart from the practical benefits involved, we suspect that there will be a long-term residual benefit among the bar itself from the interaction the program would provide.

Finally, like the shelters and SACs, we do not believe that the current criminal justice and ancillary processes with which crime victims interact are themselves appropriately equitable. Our Office has already urged the Attorney General and Solicitor General to seek a series of amendments to the *Criminal Code* in relation to victims of crime and prevention of future victimization. It is our view that this legislative/policy advice, from the victims perspective, to government should continue and we would add to the already existing suggestions, the need to clarify the scope and purpose of granting access to previous medical and counselling records. Specifically, it is our view that the current procedure mandated by the decision of the Supreme Court of Canada in *R. v. O'Connor (1995), 103 C. C. C. (3d) 1*[28] should be restricted by amendment to the *Criminal Code*. Such records should only be made available for cross-examination where the judge, on reviewing the records, concludes:

- a therapy or method of counselling was used which casts doubt or shows influence on the memory of the complainant and that this occurred *prior* to the complaint to police, or,
- a factual basis exists in the record to contradict the essential factual assertion in the complaint to police, not merely a variation in detail of the complaint.

It is wrong that files from my therapy and conversations I had with the police, the crown attorney, expert witnesses, victim-witness assistance people and the sexual assault centre get handed over to the lawyer to be used against me.
Domestic Violence and Sexual Assault Victim, Northern Ontario

The important right of ensuring the ability to make a full answer and defense does not need to come at the price of permitting the abuse and deliberate degradation of victims of crime, especially sexual abuse. Obviously, this is not something susceptible of a specific "rule" or enactment. It is, instead, bound up in the very integrity of the court and the members of the bar who practice therein. A singularly common observation of victims, service providers and law enforcement personnel was the all too frequent inappropriate conduct of criminal defense counsel and the disinclination of the judiciary to prevent such behaviour. We appreciate this is something of a gratuitous criticism but its repetition to us, suggests that a more active use of the disciplinary measures available in relation to counsel, should be considered in appropriate circumstances.

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[28] This situation has not been substantively altered by the recent Mills decision from the Supreme Court of Canada.

RECOMMENDATION 47: Expanded legal assistance on a case specific basis for women victimized by crime be provided either through revision to Legal Aid criteria, expansion of local Legal Aid Clinics or a separate Legal Assistance Fund administered by the Office for Victims of Crime.

RECOMMENDATION 48: The Ministry of the Attorney General introduce legislation permitting a regulated contingency fee billing practice in Ontario.

RECOMMENDATION 49: Law schools throughout Ontario, be encouraged to expand the scope of the Student Legal Assistance Programs in operation, so as to include assistance to victims of crime as part of the services offered.

RECOMMENDATION 50: The Ministry of the Attorney General pursue amendment to the Criminal Code of Canada to better protect victims by revising the current procedure mandated by the R. v. O'Connor decision.

Domestic Violence Shelters and Services

As mentioned earlier, the observations and recommendations in relation to Sexual Assault Centres (SACs) apply, except where noted, to Domestic Violence Shelters. As such, this section of the report is significantly condensed although in no way should this be viewed as an indication of the magnitude of the issue or the importance of shelters for victims of this crime. In addition, we have not attempted to replicate the work of the *Joint Committee on Domestic Violence*, which is more specifically focused on this topic.

Like SACs, domestic violence shelters do not confine their activities to interaction with the criminal justice system or in working with victims who are involved with it. As such, both shelters and SACs are involved in work on behalf of victims which is outside the purview of our Office, which is focused on substantial improvement for victims of crime in their interaction with the criminal justice system. Having said that, the decision not to turn to the justice system (for reasons articulated earlier) in no way lessens the difficulties faced by victims of violence or the importance of what those who work with them do on our behalf as a society. Thus, while much of what shelters in particular advised pertains to matters outside the criminal justice system, we cannot help but conclude that government, in its larger capacity, would do well to listen to the organizations which collectively represent the majority of these groups.

Background: Shelter programs are, like SACs, a part of the *Violence Against Women Prevention Initiative* and covered in the 1997 *Agenda for Action* referred to earlier. Funding for shelters, is housed within the Ministry of Community and Social Services (MCSS) which seems odd given the obvious criminal predicate act of domestic assault. It would seem to make sense that consideration be given to at least housing responsibility for shelters/counselling within the same Ministry as SACs or vice versa. Domestic violence programs, and therefore funding is, likewise spread throughout a myriad of Ministries with particular focus within MAG. Specialized *Domestic Violence Courts*, training for Crowns and the *Victim/Witness Assistance Program* with its domestic violence/sexual assault focus are all listed as part of the MAG commitment to the *Violence Against Women Prevention Initiative.*

Table Twelve - Profile of Women's Shelters Interviewed

About the Organizations Interviewed:	**Number of Women's Shelters that completed questionnaires *(face-to-face interviews and mail in questionnaires)***	**75**
	Number of Organizations in Survey that Provide Services to Victims	**124**
	Person's Employed *	**811.2**
	Number of Volunteers *	**1,449**
	1996 Number of Victims Served *	**54,777**
	1997 Number of Victims Served *	**55,708**
	1998 Number of Victims Served *	**55,730**
Services Provided as Identified by Service Providers	**Homicide**	**19%**
	Sexual Assault	**83%**
	Domestic Violence	**95%**
	Threats/ Stalking	**79%**
	Assault	**69%**
	Robbery	**17%**
	Break and Enter	**16%**
	Theft/ Fraud/ Property	**20%**
	Impaired Driving	**15%**
	Hate Crimes	**23%**
	Child Abductions/Missing Persons	**17%**
Services Provided To:	**Seniors**	**43%**
	Disabled	**43%**
	Gay and Lesbian	**41%**
	Gender Specific	**92%**
	Children	**85%**
	Cultural	**55%**
Nature of the Service Provided	**Crisis Intervention**	**72%**
	Information and Referral	**79%**
	Counselling	**83%**
	Follow-up	**63%**
	Legal Assistance	**57%**
	Public Education/Advocacy	**73%**
	Practical Assistance	**47%**
	Pre Charge	**55%**
	Post Charge	**45%**
	Pre Court	**45%**
	Court	**55%**
	Pre Sentence	**36%**
	Post Sentence	**25%**
	Compensation/ Restitution	**24%**

***Note:** Not all respondents reported data.*

MCSS currently funds 98 domestic violence shelters ($53 million) throughout the province and 100 domestic violence counselling programs ($20.7 million). Originally, shelters received municipal hostel per diems in reflection of their origins as safe havens. The contribution formula of the province in this arrangement varied until 1998 when MCSS assumed full responsibility for funding and administrative oversight of shelters. Now, individual service contracts are signed on an annual basis, based on projected expenses. Shelters are expected to fundraise a portion of their revenues although "core services", defined by MCSS, are supposed to be funded by MCSS. Thus, the question of what truly constitutes a "core service" is rather important.

Domestic violence funding by MCSS was reduced in 1995/96 and 1996/97 in four significant areas:

- male batterer programs (now funded by MSG);
- reduction of funding for second stage housing, counselling therein (although some rental assistance continues through the Ministry of Municipal Affairs and Housing);
- termination of funding for prevention/education activities; and
- a flat 5% cut to overall funding irrespective of identified need.

As reported earlier, the *Agenda for Action*, launched in July of 1997 promised the infusion of $6.75 million in new spending for each of the following four years. Curiously, the *Agenda for Action* specifically included prevention and education as a stated strategy but the funding cuts in this area have not been restored. Of the $1.5 million allocated under the

Agenda for Action for the "Providing Safety" component of the *Agenda*, none appears directed to restoring counselling in second stage housing. Both of these are identified by shelters as areas which require funding or funding restoration as they see it.

We urge government to closely examine the *Ontario Association of Interval and Transition Housing* November 1998 report entitled Falling Through the Gap. If the intent of the VAWP includes efforts at persuading women and their children that are victims of domestic violence to leave that situation, then it would seem to be advisable to have adequate housing ***available*** when they follow that advice. Ensuring that shelter referral means a priority placement in subsidized housing would also seem to be an approach with merit which, we are advised, is a mandatory policy for all social housing providers pursuant to what is known as the *Modified Chronological Selection System*. (We are unaware of any specific, objective, qualifying criteria however such as shelter referral or charge confirmation which might be helpful). Equally, the recent announcement from The Ministry of Municipal Affairs and Housing of a $50 million infusion into rent supplements should also work towards ensuring availability of housing.

Counselling services for women are provided by groups other than shelters although some shelters do provide this service outside the shelter via a separate contract with MCSS as do other agencies.

The Independent Nature of Shelters: Shelters are an important part of services for victims of crime not only because of the work they do but also because of their institutional focus on the victims they serve. Like VCARS programs, shelters and SACs operate outside the actual agencies with which the victims they help must interact in the criminal justice system. We were impressed, for example, by the frequently close relationship between a shelter and the Attorney General based V/WAP program which is also a part of the VAWP initiative. Shelters that operated without a V/WAP program almost uniformly urged the creation of that victim service in their area (as did everyone else surveyed). At the same time, OAITH and others in the shelter and women's service area remain aware of the difference between them and other government managed victim programs. As the aforementioned 1998 OAITH publication notes of the creation of the V/WAP program,

> *"While this action gave additional support for women in a hostile system, victim/witness assistance staff remained--and still remain--under the control of the justice system itself."* (p. 8)

A similar observation was made by counsel who worked with women's shelters and domestic violence victims when she observed that:

> *"Every now and then I have to remind V/WAP that they are working for the victim and not the Attorney General's Division although in fairness, they do actually work for the Ministry."*

Ironically, court accompaniment and internal advocacy with the Crown in criminal proceedings is an area which shelters have reported a decreasing ability to do as a result of financial constraints but this is largely allayed by the V/WAP program where it exists. The point here is simply that shelters can use other victim services without compromising their independence.

We have already provided our view that the independent nature of community-based women's services is a significant asset in the delivery of all victim services in Ontario. Shelters have played leading roles in the developing trend towards community co-ordinated efforts against domestic violence involving themselves and others within the justice system. By working with police, the Crown, medical staff and social agencies, shelters facilitate a co-ordinated community approach to responding and preventing domestic violence, which clearly achieves the goals of the *Agenda for Action*. This kind of approach should be directly supported and encouraged so that it becomes the reality throughout Ontario. Included in this province-wide, local community co-ordination should be:

- Co-ordinated *Domestic Assault Response Committees*;
- *Victim/Witness Assistance Program* as part of a local victim service; and
- *Domestic Violence Courts*.

We also see merit in procedurally requiring these community committees to be involved in a review of practices following the unlawful death of a person due to domestic violence.

RECOMMENDATION 51: Domestic Violence Community Co-ordinating Committees be set up throughout the province to respond to and work toward the prevention of domestic violence with funding if necessary from the Agenda for Action.

RECOMMENDATION 52: The Ministry of the Attorney General identify the need for and then create Domestic Violence Courts in accordance therewith as required throughout the Province.

Services: During our survey, a number of gaps were near universally identified as requiring improvement. These include:

- need for provision of counselling for children who witness assault (whether within shelter or not);
- need for counselling and support for male victims of sexual and domestic assault (male victimization by domestic assault is an undeniably growing phenomena); and
- inter-agency liaison (or advocacy).

Additionally, although less uniformly, the following gaps were also identified:

- linguistic/cultural interpreters and specialized service;
- specialized services for the physically disabled and mentally challenged; and

- specialized services for seniors.

Clearly, it is time to review what constitutes core services including adapting that definition to the changing face of those in need. Our assessment is that listening to the front line workers is the best way to start.

Equally, we wish to stress that local service providers require some degree of flexibility in order to ensure local priorities are appropriately addressed. Not all communities have the same need for the same kinds of specialized services and consideration of local circumstances should be prominently considered in determining whether such services are in fact required in a particular community.

RECOMMENDATION 53: The Ministry of Community and Social Services (or Ministry of the Solicitor General if responsibility is transferred) review core service funding for shelters and counselling services with special regard to seniors, counselling for children, services for male victims of domestic violence, disabled victims' needs, cultural and linguistic services for victims and the importance of case advocacy on behalf of victims.

Legal Issues: Perhaps the most contentious of all the service gaps identified to us, the need for increased legal services for domestic violence victims, was almost universally identified as acute. Given the legalistic, regulatory environment of today's Ontario, this is not particularly surprising. Indeed, it is probably just a manifestation of the reality that as society evolves, so too do the needs of people who must use both public and private services to restore themselves, and frequently their children, to a state approaching normalcy following a violent crime being committed against them. We have become a society of interrelated and complex systems in which it is increasingly easy to get lost unless you are equipped with both a road map and a guide.

From the criminal justice perspective of our Office, we have already identified the desirability of extending case specific, funded, legal assistance which shelters should be able to access on behalf of the victims they assist. Indeed, all of the recommendations made earlier in relation to legal matters in Section 5.2 apply here.

As has been made clear in the portion of this Chapter that dealt with the Crown, it is not our view that victims should be afforded formal standing as a right in all criminal proceedings. Neither do we recommend measures which functionally compromise the fundamentally important principle of the independence of the Crown. We do however stress the importance of crime victims, including those assisted by shelters, being able to express their concerns in a timely and effective manner to the Crown and to be able to do something meaningful about it if they are ignored. Domestic violence victims, and shelters that assist them, face a host of legal issues and problems which are real and very much a part of escaping the abusive relationship. Victims did not create the long delays in custody cases. Victims are not responsible for an ineffective process of enforcing court ordered maintenance nor are they the origin of court rulings which permit their endangerment, their abuse, and their reluctant participation. They do, however, clearly require legal assistance to find their way through this vast and varying legal landscape.

Rural Issues: Victims and Victim service providers in rural communities across Ontario identified geographical and boundary characteristics as one of the foremost special challenges crime victims face in accessing services. Most of the counties are very large with much of the population living in rural townships. Prevention and reduction of abuse in rural Ontario will require awareness and recognition of the unique challenges facing rural crime victims: their rural culture, geographic distances, public transportation or lack thereof, housing, childcare, medical and social services as well as work options. Most of the counties would require a special funding formula that recognizes their geography and the time and money required to provide accessible services. Examining data such as the size of the population, the number of charges laid by police or prosecuted by the Crown will not in itself provide an accurate picture of the service needs. Consideration must be given to the distance between communities, the time and costs involved in getting service providers to these communities and the lack of publicly funded supports to enable crime victims to travel to where the services are.

A recent report submitted by the *Community Abuse Program of Rural Ontario* (CAPRO) reiterates the findings from the Office for Victims of Crime (OVC) province wide analysis. This report will highlight some of the issues and recommendations submitted in the *CAPRO Report*.

Established in 1995, CAPRO is dedicated to addressing farm and rural sexual, physical, emotional abuse issues with solutions designed at the community level. The report is a result of four years of research province wide and the inclusion of a wide diverse range of stakeholders such as abused women, service providers, church, police, farm women, academics, lawyers, service clubs, teachers, community organizations. The report states that all too often, needs that are universal such as child care, abuse shelters, employment needs and transportation have had solutions and service delivery designed by urban centres. Farm and rural characteristics have not been accounted for as these urban models are legislated for use in rural Ontario.

Some of the most common issues and barriers facing rural communities are identified as follows:

Rural Culture - There is a hesitancy in the rural community to seek outside help. This may in part be due to a lack of awareness of what is available or qualifications for what is available in a given program. It may also be due to lack of anonymity or a deep-rooted history of self-sufficiency. Regardless of the reason for this hesitancy, seeking outside support or preventive educational programs appears counter to certain aspects of rural culture.

The Family Farm - Farm women who are survivors of violence are often leaving their place of business/livelihood, as well as their home. They may have to make a difficult choice to abandon their animal stock in order to gain safety. They may also be leaving their extended family, their community and their entire way of life.

Large Geographic Distance – Geography is one of the rural communities most obvious barriers to service delivery and preventative programming including information sharing. A widely scattered population proves access to any services difficult (i.e. police response time to homes may be slower). Lack of public transportation, poor weather conditions and distance to neighbors in rural areas only compound the geographic issue, as services are generally available only in the urban center of the rural county/district.

Lack of Transportation - Lack of public transportation seriously affects survivors of violence. They may not have access to a vehicle or money to operate the vehicle. Therefore, seeking safety and the support services or preventive programs they require is extremely difficult.

Lack of Suitable Housing - Affordable housing is extremely difficult to find in rural areas. This may be a huge barrier to survivors of violence leaving an abusive relationship, as they can not find suitable or even accessible housing

Lack of Accessible/Affordable Childcare - Limited childcare programs in rural areas offered at selected times and for a considerable price present major barriers to survivors of violence. Farm women in particular need a great deal of flexibility and accessibility to meet their childcare needs.

Minimal Medical/Social Services - Medical and social services in rural areas are minimal. Having to access urban centers to receive either service presents barriers for survivors of violence (i.e. cost, transportation, childcare).

Limited Work Options - Employment opportunities are limited in rural areas due to the smaller economic base. Rural economic development and job creation is integral to the financial well being and independence of survivors of violence.

The CAPRO Report provides a number of recommendations which are listed below.

- Provide more educational outreach programs focused on abuse and the need of rural families.
- Provide further outreach services to culturally isolated women.
- Provide educational programming regarding women abuse and abuse in general at all levels within the school system.
- Have more information/support readily available on the Internet regarding women abuse and abuse in general (general legal information, common questions and answers).
- Further support the free provision of educational materials from the *Ontario Women's Directorate* (OWD) and revive their television campaigns regarding women abuse.
- Ensure that the free educational materials of OWD are distributed to key support services

that survivors of violence may access (police agencies, employment insurance offices, churches and any other informal service providers).

- Increase communication with social service agencies to promote an awareness of programs and support available in specific community or region for effective referrals.
- Provide educational programming regarding rural needs and solutions to support personnel working with survivors of violence, as well as to farm organizations and community groups. The Ontario Ministry of Agriculture Food and Rural Affairs should be utilized to distribute educational materials and provide educational programs in farming and rural communities.
- Increase the awareness of service workers regarding farm and rural culture, their challenges and assets.
- Promote easier access to support services for survivors of violence by placing these services in rural locations and making the services available at key times and places that are accessible.
- Use rural models of service delivery versus urban models.
- Create alternative transportation options such as volunteer drivers and school buses.
- Increase emergency transportation funding.
- Create more rural shelters.
- Increase the number of outreach workers in rural areas.
- Encourage flexibility of resources and programs to suit rural community needs.
- Create more employment readiness-training programs for women, making them more accessible to farm women and homemakers.
- Forge partnerships with rural/farm women's groups such as the *Ontario Farm Women's Network* and the *Women's Institute*.
- Involve all stakeholders in community initiatives to prevent abuse.
- Improve access to legal clinics/services making them more available and subsidized for rural persons.
- Provide funding for statistical research and research to study the impact of the pervasive social problem of abuse in rural Ontario.

We urge government to seriously consider these recommendations.

5.8 Privately Funded Victim Organizations

One of the unique features of almost all privately organized victim assistance organizations is that they arose out of an incident of crime and continue to be led, in part, by crime victims. As *Chapter 4* of this report related, the collection of crime victim organizations in Canada, especially Ontario, have had a dramatic impact on public policy over the past eight years or so. They are generally extremely sophisticated in communications, political persuasion and policy advocacy. They are all incorporated as charities and generally take no government money, although this is beginning to change as governments become more inclined to use the considerable expertise of such groups in areas like public education or training. Because of our backgrounds and work experience, we are familiar with most of these groups and have had specific discussions for this report with several, to assess the specifics of what they currently do, receive their recommendations for improvements and forecast how a redesigned public victim service could best interact with them. The first observation that needs to be made is that all of them were born out of a vacuum, which these people as crime victims originally encountered. As such, notwithstanding whatever improvements may be forthcoming out of this exercise, they are not closing up shop, which is a decidedly good thing. Among the features of these organizations which we felt most relevant are:

- provision of individual victim assistance from beginning to end an assisted referral or case management process;
- superior network of contacts and emphasis on problem solving techniques;
- heavy emphasis on internal and external advocacy;
- top notch communications including print publications;
- clear policy expertise in various areas (*Mothers Against Drunk Driving*-M.A.D.D., for example, is a recognized national leader in advocating substantive drinking and driving reforms to both federal and provincial governments, *Canadians Against Violence Everywhere Advocating its Termination*-CAVEAT and *Victims of Violence, Canadian Centre for Missing Children*-V.O.V. are all acknowledged as key players in victim rights, parole and sentencing reform etc);
- clear priority on public education with a creative approach;
- provision of training to others within administration of justice (M.A.D.D. and CAVEAT and V.O.V. are all examples of this);
- high importance of ensuring accountability within justice system which is unhindered by receipt of sustaining public funds;
- excellent media relations; and
- impressive recruitment and retention of volunteers.

Having representatives of a privately organized victim group on a community committee which oversaw a local victim service as recommended by this report would be a significant asset for the operation of the victim service and the crime victims it ultimately serves.

As well, providing funding to these groups through CVIP grants to provide the public education and training required is something which both local victim services and the Office for Victims of Crime itself would do well to consider. Finally, the specific substantive expertise which some of these groups offer should be utilized by the OVC in its policy mandate as they are a source of true wisdom and insight especially in what reforms are required and why. Their experiences are from real cases with real victims, just like front line service providers everywhere.

We wouldn't be where we are today without private victims' rights organizations. It's vitally important they remain involved in a significant and meaningful way.
Steve Sullivan
Canadian Resource Centre for Victims of Crime

The difference is that they are structured in such a way that speaking out, and doing so effectively, is as much a part of their job as the provision of service itself.

CHAPTER 6

GENERAL VICTIM SERVICE ISSUES

6.1 Current System Features and Observations

During our consultations, we made special effort to record both the status quo observations of victim service workers and crime victims and their insights into desirable features for any future victim service. Their relevance thus lies not only in their origin but also in their applicability to any model designed to improve current victim services. The following observations were noted (above and beyond that which has already been covered or what is contained in the immediately following topical reviews):

- Tasks currently performed by either sworn police officers or crown attorneys could, and should, be performed by victim services personnel thus freeing up Police and Crown to discharge their primary duties.
- There is a definite need to be alert to service provider trauma or burnout arising from the stressful nature of the work.
- Victim services should be refocused on victims themselves instead of the current structure where the focus is the various institutions of the criminal justice system.
- Wherever possible, victim services are, and need to be "mobile", resulting in service within rural and smaller communities.
- Many service providers identified absence of transportation as a significant hurdle in ensuring service.
- Victims who have legitimate systemic complaints arising from their victimization face great and unjustifiable barriers to achieve either appropriate compensation or accountability.
- Relevant statistical information concerning issues of crime and victimization are needlessly hard to obtain, which serves as a further barrier to systemic improvements.
- Cynicism about the *bona fides* of government (and this process) to improve victim services specifically and to restore balance to the justice system generally.
- Need for victim service to be electronically linked to Crown, police, and other victim services and to be able to easily access and forward necessary information.
- Locating a victim service in a non-institutional setting is desirable as long as it maintains necessary site links in courthouses and police stations or detachments.
- Local victim services are the front lines of identifying problems or trends within the criminal justice system (and locally) and this feature should be maintained and enhanced in the future.
- Some service providers felt a need for greater clarity to ensure that the service was there on behalf of victims and not on behalf of the Crown or police in their dealings with victims.
- Victims (that are served) frequently bounced from one agency/body to another.

6.2 Training and Education

Virtually everyone interviewed expressed ongoing education and training as a priority for themselves, justice officials (in the broadest sense), and the public at large insofar as crime prevention is concerned, especially with children. Among the specific observations:

- Development of a common competency based training package that includes victim entitlements; service inventory available and best practices should be developed and distributed with updates as required.
- While education and training are frequently identified as priorities within the criminal justice system, in the North the reality is that they are generally relegated to the lowest priority which is especially serious in matters of domestic violence, child abuse and victim awareness.
- Generally held view, that greater emphasis and dollars are required for victimization prevention/public education with a growing concern in relation to harassment as a form of and precursor to violence against women.
- Local services providing mutual training as a means to maximize operational use of scarce financial resources.
- Need for more institutionally focused police and Crown training on victim issues and begin training of Justice of the Peace and Judges.
- Victim service workers would benefit greatly, as would the people they serve, with ongoing training and that responsibility for developing these training standards should include a central provincial victims' agency.

To these, we would simply add that both training and education are properly undertaken by the local victim service as part of *funded* core services.

Training of justice officials in victims' issues is a very general statement. For police officers and prosecutors, training may entail highlighting the expectations of the *Victims' Bill of Rights* (VBR) and provision of information to support an action they are entitled to take on a criminal prosecution in support of a victim but which, for whatever reason, they currently do not usually take. Examples of this could include:

- directions on necessary evidence to sustain a criminal harassment charge, breach of recognizance or probation charge; and
- availability of expert evidence/empirical data with respect to recidivism rates in domestic violence/sexual assault.

Apart from legal or procedural issues, victim interaction is also an area where improvement is possible. We pause here to reflect that the progress made in the last decade in the manner in which police and Crowns deal with crime victims is significant and not to be forgotten. Humanity aside however, as so many commentators have pointed out, a victim that is treated appropriately at the outset is likely to be a far more effective witness in the prosecution of the offender. We believe that our ultimate goal in the administration of justice in Ontario should be that in the officials, the facilities, the services and the laws involving criminal prosecution, effective victim participation should be a measure of success or failure.

Providing training to public employees with mandated duties is one thing. Providing it to judges (and to a much lesser extent JPs) is something else inasmuch as the office they occupy dictates that they be free, to a large extent, from any direction from the Crown as to *how* they discharge their public duties. Indeed, this same caution applies to police and Crown officials although to a different degree. In essence, "training" of Judges should be confined to ensuring, (probably done best through their professional associations) that Judges are:

- aware of any new legal developments pertaining to victims of crime or the judiciary;
- aware of any developments in government services or programs relevant to their duties (sentencing, bail, *Victim Fine Surcharge* etc..) in relation to victims of crime; and
- aware of any empirical data relevant to issues affecting victims of crime.

Beyond this, the traditional method of "providing training" to judges, the appeal process, is probably best employed. We do not mean this in any disrespectful way but instead where circumstances of judicial non compliance with what is viewed as appropriate from the context of the Crown (including consideration of victim interests) is manifested, then a review of that conduct by available statutory remedies should be undertaken. Thus, for example, if after the training referred to above, some Judges simply refuse to impose *Victim Fine Surcharge*s without proper justification, those rulings should be appealed and clarification sought from a higher court. This approach should be equally applied in relation to bail and sentencing.

Ensuring standardized training for victim service workers is also a desirable goal which the Office believes attainable. Existing police-based, VCARS, V/WAP, and parole victim service material provide a wealth of information and our Office is currently exploring how all of these materials could best be brought together for a single comprehensive victim service. Added to this is the impressive training material made available to victim service workers in many shelters and sexual assault centers whose continuing leadership in this staff training should be encouraged and supported.

As noted above, public education aimed at victimization prevention and crime prevention are universally viewed as an essential element in the work of victim services. The logic of this is, of course, inescapable. Just as statutory or policy reforms to reduce the opportunities for crimes to be committed makes sense, so too does informing the public, especially young people, of how best to avoid the circumstances which lead to victimization. Our Office has been fortunate enough to be involved in several excellent examples of these kinds of preventive initiatives in partnership with crime victims, victim organizations and school-based programs. We anticipate this kind of activity continuing in the future.

6.3 Special Needs Issues

In earlier portions of this report we identified the need for specialized services for certain persons because of their nature or because of the nature of the crime committed against them. These observations, and the need to offer such specialized service where possible, applies to local victim services as recommended by this report

Mental Health Issues

Mental health services in Ontario cover the continuum of health care from specialized in-patient treatment and physician services, to home care and informal community supports. There are sixty general hospital psychiatry departments, nine provincial psychiatric hospitals, five specialty psychiatric hospitals and twenty-one children's mental health programs in general hospitals. The estimated budget for 1999-2000 is $0.56 billion. Access to mental health services through any of these entry points can be confusing, fragmented, time-consuming, and needlessly inefficient.

Mental health services are undergoing changes in how care is delivered to people in need of psychiatric or psychological help. A mental health reform blueprint was set out in the Ministry of Health (MOH) document*: Putting People First: The Reform of Mental Health Services in Ontario (1993).* A comprehensive, decentralized, community-focused system was proposed as the cornerstone for the delivery of integrated, seamless services to people most in need. Change was defined.

Interestingly, though not at all surprising from a fiscal perspective, the priority population in mental health reform was identified as those persons in our province with a history of experiencing severe and persistent mental illness or disability. This population was further defined on the basis of their levels of need and the intensity of resources they required to be maintained in the community rather than in the expensive, long-term institutional or in-patient wards of hospitals.

The provincial government is continuing to re-invest the dollars diverted from institutions, to community-based resources, although at a seemingly slow pace. The MOH is committed to defining best practices for treatment and providing the core resources necessary to meet the needs of the severely mentally ill in the community, through out-patient care.

Regional MOH offices (responsible for allocating funds, and organizing and monitoring services and supports), *Assertive Community Treatment Teams* (self-contained, travelling clinicians responsible for directly providing continuous, as-needed treatment, rehabilitation and support services), and *Expanded Housing Alternatives* and options to support these people (either in their homes or in supervised housing), are several of a number of initiatives underway that theoretically should help to improve the quality of life of people with serious mental illness. *(See: Operational Framework for the Delivery of Mental Health Services and Supports (Mental Health System Management Division), MOH, Feb., 1999; Implementation Plan for the Reformed Mental Health System, (Integrated Policy and Planning Division), MOH, Feb., 1999. (Implementation Update for Psychiatric Hospital Administrators) MOH, May 1999).*

At a practical level, de-institutionalization has resulted in a number of tragedies involving severely mentally ill people, who were not receiving adequate treatment in the community because of limitations of the Mental Health Act. These mentally ill people subsequently killed innocent bystanders, such as Brian Smith and Charlene Minkowski or killed themselves in confrontations with police. The inability of the current provisions of the *Mental Health Act* to compel treatment for patients in the community with enforceable consequences for non-compliance has been identified as a significant gap in public protection. Equally, given the potential discharge of patients against physician advice who have become stabilized following involuntary committal, better communication of such situations, and their potential danger, is clearly needed.

RECOMMENDATION 54: That the Minister of Health and Long Term Care review the Mental Health Act and prepare amendments to:

- ***review the criteria in relation to immediacy of danger posed by specified high risk patients;***
- ***permit compulsory community treatment orders for specified high-risk patients; and***
- ***mandate police notification of discharge contrary to physician advice of specified high-risk patients for the purpose of firearm checks.***[29]

The on-going realignment taking place in our health care delivery system and its financing will of course continue. These changes are generating enormous financial pressures to reduce costs, which is most often accomplished by reducing services. The reduction in professional services in publicly funded mental health agencies has affected people who are not deemed severely mentally ill, including victims of crime. This trend is also likely to continue.

A specific impact of this change on publicly funded mental health services has involved a narrowing of the primary mandates of agencies providing psychiatric, psychological and social work treatment. While this has enabled these agencies to receive funding, as long as the primary focus is on meeting the needs of the "severely mentally ill" population as defined by the MOH, it has resulted in exclusions of service and a significant erosion in the quality of service to the "less seriously ill", the "non-mentally ill" requiring emotional help and, by extension, to most victims of crime, who are not mentally ill, but who nonetheless may require mental health service given their needs. Currently, a primary care physician may provide counselling to any *Ontario Health*

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[29] On April 25, 2000, Ontario introduced Brian's Law for better mental health treatment and safer communities.

Insurance Plan (OHIP) eligible person and this is considered an OHIP insured service. Psychiatrists are also an avenue upon referral by the primary care provider and this is also considered an OHIP insured service. There is no out of pocket expense incurred by the victim at all if physician models are used *and an* added benefit with the physician model would be, that if a prescription is necessary, it may be written by the physician. Unfortunately, the current physician model has serious drawbacks to it insofar as helping crime victims who are neither physically or mentally ill yet who still require professional assistance to cope with their attendant trauma.

Many physicians provide valuable counselling for crime victims. Many, however, do not, nor are they trained nor inclined to provide such service as part of their practice. The result is a shortage of the specially trained, qualified, victim-focused professionals which means that in order to qualify for immediate mental health care, many victims are routinely inaccurately assessed as having a mental disorder solely to comply with program parameters. This results in either no service, agency shopping, waiting lists or referral to private practitioners. These publicly funded clinics and agencies have historically provided valuable counselling and therapy interventions to victims of crime. Private practitioners are well positioned to meet these specialized needs, however on a fee for service basis. Most victims of crime cannot afford these out of pocket costs, nor should they be expected to under the circumstances. OHIP does not currently cover psychological services or private counselling fees and there is no substantive history of interim awards under section 14 of the Criminal Injuries Compensation Act. This is a severe defect but one which we believe is susceptible to significant improvement with focused action.

Until comprehensive mental health care reform is achieved in Ontario that specifically includes addressing the mental health treatment needs of crime victims, the availability of publicly funded, timely, quality mental health services for these people will continue to diminish and both victims and the public will be the poorer for it.

Most victims of crime agree that the criminal justice system should assist in providing them with counselling for crime-related psychological trauma. Most victims/families also confirm that they did not have adequate access to psychological counselling and support during their time of need.

Best Practice: The Approved Counselling Program of New South Wales (NSW), Australia

The New South Whales Victims of Crime Bureau administers the Approved Counselling Scheme established pursuant to the NSW *Victims Compensation Act, 1996*. The program provides statewide, no-cost counselling services to eligible victims if crime.

Victims can get an application for an initial 2 hours of counselling through the through their solicitor, any Approved Counsellor or directly from the Bureau. The service model works by connecting crime victims with accredited, independent counselling practitioners in their communities.

Counsellors may negotiate the use of the 2 hours to best suit the victim. The 2 hours are most commonly used to provide initial debriefing in relation to the incident and to assess any future counselling needs of the client. Some victims decide that 2 hours is sufficient for their needs. If further counselling is required, the counsellor submits a report requesting the number of hours believed necessary to address those issues arising in relation to the incident of violence.

Approved counsellors have been approved by the Victims of Crime Bureau's Accreditation Board which comprises representatives from the Bureau, the Psychologists' Registration Board, the Royal Australian and New Zealand College of Psychiatrists, the Australian Association of Social Workers and the NSW Department of Health.

To be approved, counsellors must:

1. be a member of either:
    - the Royal Australian and New Zealand College of Psychiatrists (RANZCP); or
    - a member of the Australian Association of Social Workers (AASW); or
    - be fully registered as a psychologist, with the NSW Psychologists' Registration Board; and
2. demonstrate a minimum of two years experience as a registered provider in their profession; and
3. demonstrate currency in the counselling of victims of crime (within the past 12 months); and
4. demonstrate currency in professional training and development in relation to counselling victims of crime; and
5. identify an ability to assess victims of crime and develop intervention plans.

In addition to meeting the approval criteria, counsellors must:

I. provide their own professional indemnity insurance;
II. be available to see victims of crime within 48 hours of first contact for an initial assessment;
III. agree to abide by their own professional code and the Code of Conduct for authorized counsellors;
IV. sign a Statement of Fitness to Provide Counselling;
V. agree to accept the government determined fee for approved counsellors;
VI. agree to abide by the decisions of the Victims Compensation Tribunal as to who is eligible for counselling;
VII. provide regular reports as required at pre-determined intervals;
VIII. not receive payment from any other source for work undertaken on behalf of the Victims Compensation Tribunal.

Victims are eligible to claim counselling from an Approved Counsellor if they :

- are the victim of an act of violence and are injured as a result; or
- injured as a result of witnessing an act of violence; or
- the member of the immediate family of a homicide victim; or
- are injured while trying to:
    - prevent someone from committing an act of violence, or
    - arrest someone who is committing, or has just committed an act of violence, or
    - help or rescue someone against whom an act of violence is being committed, or has just been committed.

However, if the victimization occurred outside the state, cannot be proven, arises from a crime against property or an injury caused by a motor vehicle, the applicant is not eligible.

The Victims of Crime Bureau is an agency of the New South Whales' Attorney General. Additional information can be found at www.lawlink.nsw.gov.au/vsb1.nsf/pages/index.

We have noted the recommendation of the *Joint Committee on Domestic Violence* pertaining to measures to ensure the description codes for trauma counselling for domestic violence victims are sufficient to ensure OHIP coverage. While we agree with that recommendation, clearly such coverage should be extended to all crime victims in acute need of such services. At the same time, our review indicates that section 14 interim compensation awards pursuant to the Compensation for Victims of Crime Act are vastly under-utilized and improvement in that area, in defined circumstances, may be a part of an overall solution to this current deficit.

RECOMMENDATION 55: Limited trauma counselling for defined crime victims should be made available either through enhancement of Ontario Health Insurance Plan coverage and/or

by expedited access to s.14 interim payments pursuant to the Compensation for Victims of Crime Act.

Victims of crime often suffer a broad range of psychological and social insults that persist long after their physical injuries have healed. Intense feelings of anger, fear, isolation, low self-esteem, helplessness, and depression are common reactions.[30] There are currently no consistent mechanisms to ensure that a victim receives integrated and comprehensive mental health services. Since there is no consistent case management, the presence of multiple needs for a victim can result in falling "between the cracks", with the expectation that someone else is responsible with serving the victim's needs.

Victimization can shatter the most fundamental assumptions that allow people to function normally in their daily lives. These include feelings that we are safe from harm; that our world is meaningful and just; and that people are honest and decent. This victimization fall-out can happen not only in cases of violent assault, but also to victims of crimes such as home invasion, burglary, and fraud. Survivors of prolonged, repeated trauma, such as battered women and abused children often suffer post-traumatic stress. The emotional damage and social isolation caused by this victimization can be compounded by a lack of support and even stigmatization by friends, family, and social institutions, producing a "second wound" for victims.[31]

When victims seek help, they are sometimes met with insensitivity. They often feel re-victimized by the criminal justice system process.[32] There is no question that the criminal justice system is stressful for victims. The whole point of making the criminal justice system more *victim-friendly* is the assumption that doing so may actually help to reduce the victim's pain, and provide confidence to witnesses.

Justice issues may become a central focus for victims as they seek to reconstruct their lives and begin to heal. Participation in the justice process is therapeutic when it helps victims to better understand what happened, allows them an opportunity to tell their story, and validates their loss and sense of being wronged. When victims are ignored, their feelings of trauma may be intensified and prolonged. Involvement with the criminal justice system that is comprehensive, sensitive, and inclusive, can result in a positive therapeutic benefit.

The length of treatment required depends on a number of factors, including the extent of the victim's crime-related psychological trauma, the quality of social supports the victim has available to him/her and the timeliness of the required intervention. Most required treatment is initially intensive, and relatively short-term in nature. In some cases, crime victim psychological trauma does not end with the trial, so victims may need brief follow-up sessions at other stressful times in their lives, including during parole hearings or with pending release of the offender.

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[30] U.S. Department of Justice, Office for Victims of Crime, From Pain to Power: Crime Victims Take Action, Washington, D.C., September 1998, p. 9.

[31] Ibid., p. 9.

[32] Ibid., p. 10.

Victim support groups are an important part of the healing process. Some support groups for victims have emerged during the past 15 years. These groups are often facilitated by trained mental health professionals or are lead by crime victims themselves. Many victims indicate that participation in support groups was a significant factor in their healing process.

Taking part in efforts to make their communities safer may also help victims recover from the emotional trauma of violent crime. Victims of crime have found ways to become active in the aftermath of crime and they work to change the justice system and raise public awareness about the consequences of crime and violence. Their good work on behalf of others is also good for them personally.

Research is important because it provides new knowledge about the scope of the crime's impact on a victim's mental health and the effectiveness of mental health interventions. Not all crime victims need or can benefit from specialized mental health counselling. Research can contribute to our understanding of which victims are more likely to develop long-term, severe adjustment problems.

Apart from the invaluable support from family and friends, the following "mainstream" professionals are those frequently called upon to provide mental health support by victim services and victims themselves: psychiatrists, clinical psychologists, social workers, family/marriage therapists, psychotherapists, community mental health counselors and family physicians. Others include pastoral counselors, nurses with mental health training, and traditional healers from aboriginal cultures. It is important for agencies referring to a professional to consider credentials (licenses/certificates/registration) and the extent of the professional's specific knowledge and experience in working with victims. Local service providers are in a solid position to know their own resources and their track record.

RECOMMENDATION 56: The Office for Victims of Crime should work with educational institutions and health care professional organizations to co-ordinate ongoing research into the long term effects of victimization and to develop and promote effective training programs to aid qualified practitioners in treating crime victims and their families.

Children and Young Adolescents: In our society, children are frequently identified as our most precious assets. A candid examination of how we treat children victimized by crime or at risk of being victimized by crime is perhaps a worthwhile measure of whether we live up to that easily stated priority or not. Few would dispute the importance of the care and preparation we provide to our young to help them meet the challenges of their lives. For the most part, our communities offer opportunities for its young citizens to thrive and grow in a safe and secure social environment. We want our children to feel confident and protected as they develop the skills necessary to become responsible adults themselves.

"*An added component to services for child victims must be counselling for those who did not see a conviction as a result* of their bravery to disclose."
K. Cole/Stoddart Kids, Toronto

When children are victimized by cruel acts perpetrated to inflict emotional, sexual or physical trauma, or when they are witness to violence in their own homes and communities, we are justifiably abhorred and repulsed with the criminal behaviour of the offender. Society asks the victim and his/her family to turn to the justice system, and there is an expectation that the system will provide protection, help, and indeed justice. Sadly, the experiences of children and young adolescents in the criminal justice system have been cause for concern for some time. The stigma of testifying about horrible events in open court, the fearfulness of the scrutiny of the adversarial forum, unsatisfying dispositions or sentences, the unpredictability of probation and parole supervision, inadequate court facilities for witnesses, lack of audio-visual equipment, are all factors that discourage reasonable outcomes from the criminal justice encounter and, in fact, contribute to re-victimization.

Victim service agencies and child advocates assisting in rehabilitation and protection continue to decry the lack of consistent resources across the province that are made available specifically to meet children's needs. These needs encompass personal and social adjustment considerations that are specific to the nature of the child's victimization, but must include:

"Why do we tell children to report abuse until someone believes them if we are not prepared to support them in our courts? It is a double betrayal of trust."
K. Cole/Stoddart Kids, Toronto

- timely intervention by mental health professionals in assessment and treatment;
- therapy as indicated, (individual/group/family); and
- educational follow-up as required (academic/social support).

The physical and psychological impact of child abuse and witness to violence on a developing life may be subtle or pronounced, brief or prolonged.

However, it must never be underestimated, for its effects are always painfully experienced. Put simply, while extension of victim services to all victims of crime is desirable, specialized services for children is essential. During the course of our survey, we were privileged to meet with victim service providers specifically dedicated to the welfare of children. We are unquestionably confident that the required expertise "is out there". The challenge for government is to live up to our collective noble aspirations towards children by providing the leadership that makes this issue a priority.

"If I had one wish it would be for a special group to be formed for children who bravely went through the court process and the accused was acquitted to help them know it was not their fault that the perpetrator was not punished for his/her actions."
Child Sexual Assault, London

Child Advocacy Centres: The movement to establish Child Advocacy Centers is beginning to move to the forefront in response to the treatment of child sexual abuse/assault. It is a multidisciplinary approach and is recognized as one of the most comprehensive and common sense approaches in the treatment of child victims.

A Child Advocacy Center is a comfortable, warm, welcoming setting (often a house) separate from, but related to, and used by existing systems, where specific services for children, youth and their families are brought together under one roof. The systems using the centers would be child welfare, law enforcement, prosecution, health, and crisis support; while the services to be provided would include investigation of the allegation (including videotaping of the investigative interviews), initial medical examinations, initial crisis support, referral to ongoing treatment, regular case tracking, and ongoing review of cases.

> *"Our children are not only our greatest personal treasures; they are also societies hope for the future. We have got to stop raising these legions of irreparably-damaged, rage filled children."*
> **Child Sexual Assault, Woodstock**

Best Practice: The Gatehouse

The Gatehouse is an innovative community program in Etobicoke that provides a safe, inviting environment in which children, youth, their families and adult survivors can receive services and support.

With almost 300 volunteers, two full-time and one part-time staff, The Gatehouse provides the following resources and services under one roof:

- A safe, non-threatening place for children, youth, their families and adult survivors to wait before, during and after court proceedings.
- Court proceeding preparation and support after the process.
- Accessibility 24 hours a day to police and child welfare teams to conduct investigations using a fully equipped videotaping studio.
- Short-term counselling, crisis support and links to community resources to provide a wrap-around *seamless* continuum of service without long waiting periods.
- Support and assistance to address issues beyond the abuse that may be affecting family members.
- A 10-week adult male support group for men who have experienced child sexual abuse.
- Training programs and opportunities for students, volunteers and professionals.
- Peer support to youth, caregivers and adult survivors.
- Community education and resources for children, youth and adults related to issues of violence and abuse.

Since the Gatehouse does not rely on government funding, it is relatively low cost, can be creative and flexible in its response to the needs of the community, and can network with the full range of other service providers.

Among the important linkages that The Gatehouse has developed as part of its service network are the Children's Aid Society, the Catholic Children's Aid Society, Toronto Police Services, Toronto Child Abuse Centre, and the Hospital for Sick Children. The Gatehouse is also working in collaboration with the Faculty of Social Work at the University of Toronto on both evaluation and research projects.

The purpose of such settings would be to:

- enhance the response to children, youth and families where sexual abuse/assault is alleged;
- reduce the trauma for child, youth and non-offending family members;
- enhance the spirit of collaboration, cooperation and expertise underlying a Child Sexual Abuse Protocol (providing one exists);
- ensure a smooth transition for the child, youth and family between the report/disclosure, the

investigation, the assessment, the prosecution and any ongoing treatment;
- track and review cases of child sexual abuse/assault; and
- enhance community understanding about the need for child-centered response to the issue of child sexual abuse/assault.

Over 400 Child Advocacy Centres exist across the United States. In Ontario we currently have 3 Child Advocacy Centres in operation (Kitchener, Guelph and Etobicoke). In Saskatchewan under the *Child Abuse Investigation Programs*, child victims in Regina are taken to the *Regina Children's Justice Center*. The center houses teams of police and Social Services child protection staff who jointly investigate child abuse. A similar project, the *Saskatoon Child Centre* is piloting a similar multi-disciplinary approach to child abuse investigation in a child-friendly setting. The OVC partnered with the Ottawa Police Service to pilot such a child friendly location where child victims could be interviewed rather than in the austere police station environment. Approximately 100 victims were able to take advantage of the temporary arrangement and we wish to specifically thank the Ottawa Police and Chief Ford whose endorsement of the concept confirms our views.

> *"...The Ottawa-Carleton Regional Police Service benefited greatly from this initiative as it allowed us to gather useful information and convincingly demonstrated the benefit of a child/parent friendly community based site for conducting investigative interviews. We are committed to establishing a permanent location for these activities."*
> **Chief Brian Ford, Ottawa-Carleton Regional Police Service**

RECOMMENDATION 57: The establishment of Child Advocacy Centres as referenced in this report be examined by the appropriate Ministries of government.

RECOMMENDATION 58: Specialized counselling and therapy services for child victims, including as witnesses to violent crime, be recognized as a core service essential for any public victim service and that funding of or to such services include adequate financial resources to ensure its availability.

Although generally beyond the scope of our report, our attention was frequently drawn to the environment in which our children spend significant portions of their developing and maturing years: *schools*. Like everyone else, we were, and are, shaken by the recent events of school violence and the revelations that schoolyards, hallways and classrooms may not be the universally safe and secure environments which most of us presumed them to be. Identifying that schools must be synonymous with safety is not a reactive or hasty observation. To the contrary, it is so fundamental a concept for a society seeking to reduce both crime and victimization that it must also register as a priority with government. Accordingly, we are pleased to note this government's public commitment towards the issue and offer the following in support of that goal of safe schools.

RECOMMENDATION 59: In recognition of the fundamental importance of school safety, the government should establish a Premier's Council on Safe Schools with a mandate to identify means to ensure a safe and secure environment for students and staff at all Ontario schools.

Seniors: Our Office's Special Counsel was asked, and agreed, to participate in the Seniors Secretariat Committee on Elder Abuse announced in the Spring of 1999. We did so in recognition of the particular kinds of crime which impact on seniors and on how a local victim service could provide specific services for seniors victimized by crime. As *Chapter 8* notes, we are also recommending the inclusion of a senior's representative within the Office and we have already forwarded suggestions for matters to be considered as part of an overall Elder Abuse Strategy. These include:

- seeking amendment to the Criminal Code to create the indictable offence of home invasion with a mandatory 5-year minimum penalty;
- seeking amendment to the Criminal Code to recognize repeat residential break and enter as "aggravated" circumstances with a minimum penalty;
- seeking amendment to the Youth Criminal Justice Act to permit restitution orders against negligent parents whose children have caused damage to property;
- reviewing consumer protection legislation to prohibit home telemarketing except by registered and licensed charities and creating regulatory authority to permit immediate shut down of illicit operators;
- expansion of OPP *Phonebusters Squad*;
- exploring expedited insurance claim process for seniors who are victims of property offences;
- special focus on enforcing restitution orders; and
- creation of a seniors' shelter for domestic violence victims.

Our Office anticipates provision of specialized services for seniors who are victims of crime as an evolving feature of local victim services and as an important component of the future operations of the OVC itself.

Linguistic and Multi-Cultural Issues: All of the observations and recommendations made earlier in the report in relation to linguistic and multi-cultural needs apply, wherever required and whenever possible to the locally organized victim services and the OVC itself.

6.4 Funding and Victim Compensation Issues

The Importance of Adequate Funding

Accomplishing the various recommendations of this report, including the province-wide establishment of victim services, will require more funding than what is provided by the current revenue sources of the *Victims' Justice Fund* (VJF). Additional revenue is anticipated from recent amendments to the Criminal Code that will increase the *Victim Fine Surcharges* (VFS) but this will not likely be sufficient. Fundraising should be retained as a feature of local victim services but government will need to identify what it accepts as core services that merit public funding. It is unwise to compromise what is identified as a public victim service by requiring the service provider to spend inordinate amounts of their time trying to raise funds to provide the service. Clarity in what is to be covered, and what is not, is essential and should go a long way to removing future disputes between the funder and the service recipient. It should also be recognized, as many service providers confirmed, that societal circumstances change and any process of funding should include the capacity to review funding criteria.

Funding for domestic violence shelters/programs and Sexual Assault Centres (SACs) and *Violence Treatment Centres* should continue from the responsible Ministries, hopefully consolidated.
If the attainment of the additional revenues we believe possible (and described below) should not materialize, then a direct infusion into the VJF will be necessary to adequately fund the various initiatives detailed in this report. We want to emphasize that there is simply no point in announcing the intention to create the improvements if there is not a concurrent willingness to direct funds into this area. Victims and victim services have been under-funded for too long already.

Before turning to the alternate revenue sources, we also want to re-iterate that we do not believe a surplus the size of what currently exists is appropriate given the widespread need among crime victims across the Province and, irrespective of any new sources, we will be providing suggestions on how these accumulating dollars can best be deployed.

Creation of the Law Enforcement Fund

Our Office has previously reported to both the Attorney General and the Solicitor General's offices on the accumulated millions in uncollected *Criminal Code* and Provincial Offence fines. Recent amendments to the *Criminal Code* now permit the province to withhold or suspend any provincially issued,"...license, permit or other similar instrument... "until such time as the debt is paid. We appreciate that the uncollected provincial offence revenues and such future revenues have been assigned to municipalities but we are confident that an agreement can be reached to share any newly collected revenues through the use of this *provincial* power. We are further encouraged in this view by the provisions of the *Police Services Act*, which stipulate that provision of administration and infrastructure needs of police core services (including assistance to victims) is a municipal responsibility. In short, it is in everyone's best interest to co-operate.

Collection of unpaid fines and bail forfeitures could and should be immediately undertaken which even if only partially successful should result in significant additional revenues realized from offenders and not taxpayers. This outstanding debt to the Crown, and the *Criminal Code* power to facilitate collection is known to MAG officials but, to our knowledge, no action has been taken to collect the moneys owing and enforce the original court order made against the offender.

We have also identified the potential of recouping (and ending) the unjustified subsidy of policing in jurisdictions outside Ontario (except Quebec) as a result of federal subsidies paid to municipalities and provinces outside of Ontario for R.C.M.P. Contract Policing (Appendix #12). These subsidies, in place since the 60's, are paid by the federal Crown to both provinces and municipalities with whom they contract to provide policing services. To be clear, this specifically includes the federal subsidy of municipal policing functions delivered by the R.C.M.P. in communities across Canada *excluding Ontario and Quebec* who contribute to the federal subsidy with their taxes but receive no benefit. The subsidy ranges between 10% and 30% and applies to more than 100 municipalities who have taken advantage of the financial largesse of the taxpayers of Ontario and Quebec. According to an October 1997 study entitled *"R.C.M.P. Contract Policing"* completed by the *Canadian Police Association*, an annual federal subsidy of $360-million dollars is provided to permit municipalities outside of Ontario and Quebec to avoid the true financial cost of providing a police service which Ontario taxpayers currently pay. The Ontario portion of this subsidy of other province's policing costs is estimated at approximately $100-million dollars annually with an accumulated "debt" of over $1 billion dollars. Interestingly, when the authors of the report pointed this out to the federal Solicitor General and complained of the unfair contract bidding such a subsidy provides to the federal police force over local municipal police agencies, the response of the federal government appears to have been to eliminate all such subsidies for any future R.C.M.P. contracts. Unfortunately, that is all they have done and Ontario taxpayers thus continue to subsidize municipal policing in all other provinces except Quebec. We urge an immediate review of this matter by the Ministry of the Solicitor General (MSG) and should this situation prove to be as described (and to date no one within the MSG or the R.C.M.P. have contradicted it) steps be taken to notify the federal government of Ontario's claim to ending the subsidy or the cash equivalent for "opting out" of this federal program as other provinces do on other federal programs in which they choose not to participate. At the same time Ontario should seek back payment of its portion of the subsidy and any funds realized should be directed into the *Law Enforcement Fund* as recommended by this report.

RECOMMENDATION 60: The Ministry of the Attorney General and Ministry of the Solicitor General should, on a priority basis, explore and implement means to collect unpaid fines and uncollected forfeitures, the proceeds of which should be directed into the Victims' Justice Fund or into a newly created Law Enforcement Fund, the revenues from which should be used to support law enforcement improvements and or expansion of victim services. At the same time the Integrated Justice project should be constructed in such a way as to be able to distinctively identify any future unpaid fine or forfeiture so as to facilitate its recovery.

RECOMMENDATION 61: The Ministry of the Solicitor General should, on a priority basis, prepare an analysis of the cost to Ontario taxpayers as a consequence of federal subsidization of RCMP contract policing in all jurisdictions except Ontario and Quebec.

The Victims' Justice Fund (VJF)

As noted earlier, the government of Ontario's decision to create a special dedicated fund, restricted to providing services for victims of crime, is an immensely important step forward. This Report has detailed expansions to victim services, which, if acted upon, we believe, will constitute the next step in achieving fair treatment for all victims of crime from the criminal justice system. As the authors of these ambitious recommendations, we are fully aware that what we suggest will cost money and accordingly, in addition to what we have identified as significant untapped non tax revenues, a review of the VJF itself is warranted. In doing this we focus on:

- additional revenue sources (apart from those already identified);
- appropriate areas of expenditure for accumulated surplus within the Fund; and
- administration of the Fund.

The result of the Ontario government's decision to create the VJF is an opportunity for necessary services for crime victims to be realized and implemented. Not all jurisdictions have chosen to make so strong a commitment to crime victims by assigning revenues to so specific a purpose and that Ontario advantage should be capitalized upon.

Specifically, during the course of our consultations, we became aware of a number of communities where local groups, usually in combination with police, are providing or attempting to provide necessary victim services without funding from any of the programs set up to make possible what they are doing. While the recommendations of this Report, if accepted, will ultimately translate into comprehensive victim services in these communities, victims require services now and not in the months or years it may take for the current (or future) process to engage. To allow these services to wither or expire while awaiting funding from a fund with a $45 million dollar surplus is unconscionable and wholly contrary to the clear intent of this government. Accordingly, it is our view that an immediate apportionment of no less than $2 million dollars for Interim Victim Service (IVS) funding (possibly as restricted one time CVIP grants) be made from the VJF to permit the continuation of unfunded local services until such time as the process catches up with the need. This IVS Fund should be administered by the OVC and processed only on satisfaction of a service consistent with local requirements and existing provincial standards and supported by local police.

Additional Revenue Sources for the Fund: In addition to the untapped (non tax) revenues identified earlier, the following merit consideration as sources for expanding the Fund:

- increase in revenues resulting from anticipated increase in fine surcharges pursuant to recent federal amendments (C-79)[33] and federal/provincial education campaign to promote surcharge imposition;
- provincial action to ensure surcharges are imposed as required by law, including appeals where unjustified failure to impose surcharge;
- application of surcharge provisions to convictions on other federal offences [as per U.S. practice] (*Competition Act*, *Environment Protection Act* etc..); and
- application of fines for fail to appear/breach of recognizance [as per US practice].

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[33] S.C. 1999, C.25

There is little question that if all of the identified revenue sources are realized and directed into the VJF, there will be sufficient funds to meet the needs of crime victims in Ontario.

Suggested Expenditures from Existing (and Expanded) Fund: While expanded services as recommended by this Report should come through an expanded Fund, the following are projects in support of crime victims in Ontario which merit funding (either wholly or in part) from the existing surplus within the Fund:

- Creation of the *Interim Victim Services Fund.*
- Upgrade of victim facilities in courthouses.
- Expansion of *Domestic Violence/Sexual Assault Treatment Centers* throughout Ontario as required.
- Establishment of Child Friendly/Advocacy Centers in conjunction with local victim services.
- Supply of computers/software to victim service providers to permit IJ access.
- Re-establishment of the CVIP grant program applicable to all crime victim initiatives including funding public education/training initiatives of private and community based victim services.
- Creation of a *Legal Assistance Fund* to assist families at inquests or on case specific matters as described in this report.
- Service organization grants (one time) to assist in creating local co-ordinated/consolidated victim service.
- Establishment of a specialized high-risk/fugitive offender squad (should MSG not provide funding as suggested).

Administrative Issues: The current process of applying for and obtaining funding has evolved into an inclusion in the annual spending forecast exercise that is presented to Management Board of Cabinet. Naturally, this slows the process and literally restricts the opportunity to secure funding for programs to the single instance when submissions are requested (if at all). While this is no doubt more convenient for government, it is counter-productive to the notion of delivering victim services and using the VJF as it was envisaged in the Act Respecting Victims of Crime. The VJF has a 1999/2000-projected surplus of approximately $45 million dollars, which is unjustifiable in an environment where many communities across Ontario have inadequate or even, absent victim services. Our report includes suggestions for additional revenues for the VJF (or like a *Law Enforcement Fund*) but it must be clear that the purpose of these funds is not to accumulate surplus but rather to direct non-tax resources at selected needs. It is well past time that the money so gathered is finally spent in the cause of assisting victims of crime and the fact that, to date it has not, is a valid consideration in determining the future process to deploy the money as originally intended.

RECOMMENDATION 62: The province immediately establish an Interim Victim Service Fund, administered by the Office for Victims of Crime, of no less than $2 million, and made available

on a one time $50,000.00 basis to groups currently providing Victim Crisis Assistance and Referral Service and Victim/Witness Assistance Program type unfunded victim services that are approved by both local police and Crown as required. These grants should come from the existing Victims' Justice Fund surplus and are to be used to sustain such services until such time as the Provincial Victim Services Standard is established and local victim services are constituted to apply for regular Victims' Justice Fund funding.

Victim Compensation

The issue of compensation for crime victims is not so much a question of whether but rather, one of how. It would be fair to say that in our review, receipt of some form of compensation following victimization was sporadic. Those victims or services that were aware of the *Criminal Injuries Compensation Board* (CICB) expressed frustration bordering on anger that delays of up to several months and sometimes years were not uncommon.

Following injury or property loss by a victim there appear to be *four* routes through which some compensation or restitution can be found. The CICB, and the problems attendant thereto, were discussed in the *Chapter 5* of this report. The following three alternatives merit comment:

Insurance Claims: We noted several VCARS offices that listed assistance with insurance claims as one of their services and we are recommending it be included in the package of services for a local victim service. This may be especially helpful for seniors and others who are less familiar with the process of insurance claims. We foresee this as an area where the *Student Legal Services* program we referred to earlier could also be of assistance. We wish to explore an expedited claim/verification process with the insurance industry and review the legislation to see if there are any ways to facilitate certain kinds of policies and payment of claims on third party certification.

Restitution Order Pursuant to the Criminal Code: Section 738 of the *Criminal Code* permits the making of a restitution order to compensate for loss or damage to property, pecuniary loss (including income) arising from bodily harm, living expenses incurred for moving from the offenders home in the case of bodily harm or threats thereof. There are several difficulties here which may explain why it appears that use of restitution orders is limited at the current time.

- Getting the necessary information into the hands of the Crown at the time of sentencing. Without this, there will be no application, whatever the validity or need. We believe the *Integrated Justice Project* coupled with a local victim service alert to this possibility may well overcome this hurdle.
- The amount, in all three types of scenarios, must be "readily ascertainable". Again, a focused victim service with experience in compiling such material (and knowing what *not* to claim) should be able to remove this obstacle. Admittedly, this may be more difficult for future loss of earnings or expenses but other remedies exist to deal with that future loss. This relief should be used to obtain what it can reasonably provide.

- Ensuring the Crown and the court use the section. This is an instance where a direction, by policy, to Crowns that on presentation of an adequate restitution claim (which can be worked out between the Crown and the local victim service), the Crown shall bring a restitution application. This is not an interference with discretion but an assertion of a mandated role in support of the victim. If some judges, despite the sufficiency of the material before them, refuse the application, that ruling should be appealed so that clear direction of the judicial obligation to follow the law is obtained.
- Getting the order is one thing, enforcing it is another. Interestingly, 738(2) of the *Criminal Code* appears to envisage inclusion of restitution as a term of either probation order or a conditional sentence order which makes enforcement a great deal easier as there is a consequence for non-compliance. Orders made as restitution orders but not paid, can be registered as civil judgements (by the victim) and then enforced civilly (by the victim). This is hardly a practical answer and our understanding from the Ministry of the Attorney General (MAG) officials is that literally millions of dollars in uncollected restitution orders/civil judgements are outstanding. Clearly, this is an area where the proposed Student Legal Services would be an ideal match for providing experience (civil procedure) and meeting a need. Local victim services, on behalf of an authorizing victim, could in addition, contract for a percentage fee with private firms to collect on these civil debts. Any development of the *Integrated Justice Project* should have this feature of easy identification of restitution orders distinct from other civil judgements. We also believe the Province has a clear interest in seeing such orders, as they are made, enforced both in protecting the integrity of the administration of justice and in assigning effective financial responsibility to the offender rather than the taxpayer. If properly prepared and appropriately sought, restitution orders represent a "short cut" for victims to receive restitution for harm done to them. It is in everyone's best interest to invest the time and effort to maximize the potential benefit such a system provides.
- The Province should also seek an amendment to section 734.5 of the *Criminal Code* to include non payment of restitution orders and bail forfeiture orders as justifying refusal to issue, or to suspend, any provincial"…license, permit or other instrument… "until the debt is paid. This power currently exists, but is unused, in relation to outstanding fines, again contributing to the tens of millions of dollars in uncollected criminal fines.

The purpose of a court order is defeated if it is disregarded. Unpaid fines or unenforced restitution orders are actually counterproductive to the goals of the justice system as they permit evasion of responsibility by the offender and the continued financial victimization of the victim. Thus, apart from unrealized financial resources for the administration of justice and crime victims, permitting the flouting of court orders by offenders should be seen as fundamentally inconsistent with the goals of the criminal justice system in Canada.

Recent federal amendments in Bill C-41[34] have made enforcement of fines more difficult but at the same time provided a vehicle of enforcement through administrative measures under provincial jurisdiction. Ensuring that debtor offenders who have failed to either pay fines, meet bail forfeitures or pay restitution as ordered do not continue to receive licenses, benefits or payments from the creditor only makes sense. Further, ensuring the enforcement of court orders underscores the real and pressing feature of deterrence to offenders who will know that fines or restitution cannot be ignored.

RECOMMENDATION 63: The province pursue an amendment to section 734.5 of the Criminal Code as follows:

> ***"734. 5 Where an offender is in default of payment of a fine, restitution order registered pursuant to section 741, compensation order made as a part of a probation order pursuant to section 732. 1, bail forfeiture registered pursuant to section 771 or compensation order made as a part of a disposition order pursuant to section 20 of the Young Offenders Act,***
>
> ***(a) the person responsible by or under an Act of the Legislature of the Province to whom the proceeds of the default are owed or assigned by virtue of section 734. 4(1), for issuing or renewing a license, permit, instrument or payment in relation to the offender may refuse to issue or renew the license, permit, or other instrument until the default is paid either in full or pursuant to a gradual payment arrangement enacted by the Lieutenant Governor of a Province for that purpose. "***

Civil Litigation: The province has facilitated proof of injury in civil suits brought by victims of crime with the amendments to the *Victims' Bill of Rights* which presume compensable emotional distress following conviction for proscribed offences and payment of higher costs to a victim (on a solicitor-client basis). The issues discussed above in relation to enforcement of judgements is relevant here as well as the need to allow regulated contingency billing fees for legal counsel.

Such a modification to facilitate the practice of bringing civil claims will be a significant benefit for crime victims who seek to hold those responsible for their victimization responsible. It makes little sense to us to continue the barrier to civil litigation that the current prohibition on contingency fee billings represents. Further, other jurisdictions in Canada have reformed their *Rules of Civil Practice* to permit regulated contingency fees without apparent legal chaos resulting. Ontario has explored this over the past number of years, without action, and we remain unaware of any substantive justification for not pursuing this course of action.

Victim Expenses

Since 1995, the Attorney General and the Solicitor General have actively intervened with the federal government to seek public safety improvements in such areas as *Young Offender Act* reform, the creation of a DNA data banks and amendment to the *Criminal Code*, such as repeal of s.745. The Ontario Legislature passed a resolution in 1996 calling on the federal government to repeal s.745 of the *Criminal Code*. Both the Attorney General and Solicitor General have appeared before a Parliamentary Committee to urge that this be done. Ontario's lead has been followed by other provinces.

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[34] S.C. 1995, C.22

Section 745.6 of the *Criminal Code*, the so-called "faint hope" clause, allows inmates convicted of murder and sentenced to imprisonment without eligibility for parole for 15 years or more to have their period of parole ineligibility reduced or eliminated after the expiration of 15 years. Until recently, the hearings were very much one-sided with victims of crime afforded little opportunity to express their views on the potential early release of the murderer, even if they were even aware that a hearing was taking place. Amendments in 1996 by the federal government restricted the unrestricted right to a review by imposing a "judicial screening" process for all future applicants and a bar for all multiple murders convicted after January 9, 1997, when the amendments were proclaimed in force.

While crime victims now have the statutory right to have their evidence considered at a s.745 hearing, courts retain the discretion to determine the manner and content of the material put forward to the s.745 jury. These hearings have been widely condemned at least in part because of the strain and anxiety they put on families of victims. The hearings re-traumatize victims' families, thrust them back into the legal process if they wish to see the original sentence of the murderer of their loved one upheld. The s.745 hearings are usually held in the same jurisdiction in which the original offence took place. Therefore, the victim's family members, who may have relocated during the intervening years, often must travel great distances to attend.

Corrections Canada estimates that for the next few years about 60 inmates a year, across Canada, will be eligible to apply for a s.745 hearing. It is expected that there will be 10 to 20 eligible inmates each year in Ontario.

Special Victims Assistance Fund: Family members of the victim, quite naturally, often wish to attend these s. 745 hearings which occur in the local jurisdiction where the murder took place. While the federal government provides taxpayer funded assistance for the offender in the form of offender advocate organizations, they have steadfastly refused to offer any financial assistance for victims that wish to attend the hearing to determine if the murderer will be granted advanced parole eligibility.

Alone among all jurisdictions in Canada, Ontario now provides defined financial assistance to crime victims, anywhere in Canada, to at least partially defray the expenses incurred by these hearings which themselves should be abolished. We commend the government for their leadership on this issue and suggest that this effort be considered as a model for the creation of a similar fund for victims, again in defined circumstances, to alleviate some of the financial burden on a victims family who are not witnesses (and thus have expenses covered) but who nonetheless appropriately attend the criminal proceedings either in support or memory of a family member and thereby incur often considerable expense. Regrettably, other than some admirable local creativity, there is no provision to deal with such circumstances. In our short existence we have encountered scores of such tragic cases and our on site visits with victim service providers confirmed that such a special, restricted and provincially regulated fund empowered to provide direct financial assistance to victims who are not witnesses is a necessity.

RECOMMENDATION 64: A Special Victims Assistance Fund be created to help defray victim expenses in defined circumstances incurred as a result of attending criminal proceedings, such Fund to be administered by the Office for Victims of Crime.

CHAPTER 7

RECOMMENDED MODELS

> *"All persons victimized by crime in Ontario should have easy access to services and supports which are effective, timely, flexible and accountable."*
>
> ***OVC Team Meeting***

7.1 General Observations

In attempting to meet the challenge to recommend an optimum service for victims of crime, we were struck by the fact that the current environment was not one ever planned for or specifically sought. Rather, it is the product or evolution of programs, ideas and responses by various agencies of government to crime and victimization issues over a considerable period of time. One of the results of this is limited internal administrative coordination within the various branches of government and, regrettably, some isolated resistance to change of any kind. It is our view that an absence of a co-ordinated victim services and advocacy body, within government and with a specific and clear mandate to assist victims of crime, makes this result inevitable. By attaching victim services, for example, to a division of MAG with other, and potentially conflicting priorities, treatment of crime victims is far more likely to be the "afterthought" of the justice system, which this government rightly identified as being unacceptable. Accordingly, while this Chapter identifies models for the delivery of victim services throughout Ontario, each includes a recommended future agency of government with a clear mandate to ensure that the promise of provincial standards of victim services and the principles of the *Victims' Bill of Rights* are achieved. We see the Office for Victims of Crime as being able to give voice to crime victims to the government of the day on all issues that affect persons victimized by crime. Thus, both the local delivery of victim services and the provincially co-ordinated body on behalf of victims are required and neither will function adequately without the other.

In summary, as will be apparent, while we did not ignore the status quo, we advanced from the principle that we were not bound by it either. Thus, for areas of the province without any of a police-based, *Victim Crisis Assistance and Referral Services* (VCARS) or *Victim/Witness Assistance Programs* (V/WAP) victim service, there should be an opportunity to provide a comprehensive community based victim service, linked as required, without simply replicating existing separate programs with their inevitable gaps and duplications. Rather, as will be seen, it is our view that a jurisdiction, absent the current programs, is an opportunity for improvement by launching a single consolidated victim service or providing a co-ordination feature for victim services.

We also wish to confirm, once again, that the revisions to victim services noted here are all predicated on the assumption of a continued independent system of community-based shelters and sexual assault centres. It is very much our hope and expectation that the new consolidated or coordinated local victim services will work closely with the shelters and centres in their areas. Indeed, we urge the use of the same 54 court jurisdictions as recommended by the *Joint Committee on Domestic Violence* and the local coordinating committee they recommend. It would make sense for this committee to work with the local victim service in whatever capacity is most appropriate to ensure attainment of the Provincial Victim Service Standard described below.

Our survey confirmed that there are hundreds of highly skilled, dedicated individuals currently working on behalf of victims of crime throughout Ontario, albeit in different institutions and with unnecessarily restricted mandates. Obviously, these people will form the nucleus of any local victim service however reconstituted. For these people, the re-organization of victim services we recommend will amount to more resources and less artificial obstacles as they continue to help people victimized by crime.

7.2 *General Features of Local Service*

Boundaries: Wherever possible, consistency with other criminal justice divisions is desirable. Having reviewed policing, political and several other boundaries, we urge adoption of the 54 court jurisdictions for victim services. As previously stated, this boundary choice is also the one selected by the *Joint Committee on Domestic Violence.* It is our view that many of the 54 jurisdictions will necessarily also use "satellite" and mobile offices, where appropriate, in order to ensure province-wide coverage.

Structure: Clearly, a local victim service should be structured in such a way as to best ensure the capacity to provide what victims need. The content of this need will be the subject of the Provincial Victim Service Standard referred to below but the structure of how that service is to be delivered is equally important. While all of institutional linkage, consolidation or co-ordination of service and local control are important, ensuring the participation of the various local parties cannot be underestimated. Ideally, a local victim service advisory committee should include:

- crime victims;
- the Crown;
- police agencies;
- shelters/Sexual Assault Centres (SACs);
- mental health professional;
- children's aid;
- local business/chamber of commerce;
- senior's group;
- privately funded victim organization;

- school representative;
- multi-cultural representative; and
- probation and parole.

This list is offered at this time as an outline only, as our expectation is that any required representation (such as victims, police and Crown) would be part of a provincial standard to be developed by the Office, and others, upon review by government of this report.

Service Delivery: In order to qualify for funding, local service providers, or the consolidated community based service, would need to meet the provincial victim service standards, developed in accordance with the recommendations of this Report.

As noted above, the development of the provincial standard of service for local victim services is a task that remains for the future. At this juncture, however, we felt it appropriate to record at least an outline of the constituent elements such a service should provide. From a temporal or systemic perspective, these include:

- crisis assistance (expanded VCARS and police based service functions);
- prosecution assistance (information focused and expanded V/WAP functions); and
- post proceedings assistance (mostly new activities including enforcing restitution, *Criminal Injuries Compensation Board* (CICB), appeals, parole etc.).

More broadly, we view the following as substantive areas of victim needs that a provincial victim service standard should, in different ways, address wherever the victim is within the justice system:

- practical assistance;
- counselling/emotional support;
- information;
- restitution and compensation; and
- institutional advocacy.

Whether consolidated or co-ordinated in nature, a local victim service should have as one of its essential goals, multiple entry points to a single or co-ordinated service for crime victims. Thus, the local service, in conjunction with the police, would, for example, likely have initial victim contact following the commission of a crime. Direct services such as child care, clean up, transportation, and bail or restitution-related information, referral to police/crown or secondary referral services such as counselling would be performed as part of the crisis assistance function. The same service would then help the victim with follow-up on such matters as status of arrest/bail, ensuring

> *When our family was able to return to our home, we were not prepared for the horror we faced. There was blood and human tissue throughout the living room and kitchen which my brother was forced to clean up.*
> **K. Vanscoy**
> **Family Member of Murder Victim, St. Catharines**

conditions are entered on *Canadian Police Information Centre* (CPIC) notification of court dates, arranging meetings (if required) with Crown, ensuring necessary victim information with Crown, helping with victim impact statement or restitution claim, explaining court proceedings, plea bargain, sentencing etc; all as part of prosecution assistance. Finally, assisting in enforcing restitution, probation, insurance claim, or crimes compensation, advising on status of appeals or parole and assisting where required in those processes would be likely in post proceedings assistance. From beginning to end, the crime victim would deal with one victim service which, by way of illustration, would have one victim file. We should also add that notwithstanding the potential ongoing nature of victimization, it is our expectation of this kind of a system that files will be "closed" at some point. In summary, the victim service is intended to assist crime victims during their interaction with the criminal justice system and the consequences that arise from it. It is not meant to replace or duplicate other existing social systems designed specifically for other purposes.

Local victim service workers should be provided with standardized training, itself developed as part of the provincial standard. Our Office has begun to explore the likely constituent elements of such a training package including local interaction with the various agencies of both the justice system and related agencies.

It is expected that local victim services will complete formalized agreements with both the police, Crown and other agencies with whom it will work. The purpose of these agreements is to define responsibilities as clearly as possible. We wish to stress, once again, that the local victim service must maintain a close and cooperative working relationship with both the Crown and police in order to serve victims of crime properly. There is, and can be, however, a difference between recognized partnership and institutional control. Put bluntly, the institutions of justice constantly advise victims of crime that they are committed to working with victims. Establishing and working with locally directed victim services, or meeting provincial victim service standards by working within a co-ordinated victim service, will be a true measure of that commitment which we are confident will be resoundingly met throughout the province.

It is also expected that the victim service will take steps to provide the kinds of specialized services referred to in the preceding chapter. We wish to stress that it is anticipated that enhancements to a local victim services will continue to occur (encouraged and supported by the Office) but that it is not necessary for a service to provide all aspects or enhancements of service before opening its doors. Rather, we view extending the basic service throughout the province and building from that foundation as the long-term formula for success in quality victim services.

The government of Ontario has made clear its vision of the need for provincial standards for victim services in the *1999 Blueprint* document, including the role assigned to our Office in their development. We whole-heartedly endorse this approach as the engine to accomplish the improvements to victim services detailed herein which we believe to be eminently attainable.

RECOMMENDATION 65: The Ontario government take immediate steps, as outlined in the 1999 Blueprint commitments, to develop a Provincial Victim Service Standard(s), such development to include the Office for Victims of Crime, victims of crime and community based victim service providers as appropriate.

7.3 Co-ordinated and Consolidated Victim Services

If local control was a dominant theme expressed by current service providers (with which we concur), then mandated coordination and institutional linkage must be added to that list of features of a desired model for delivery of victim services. As noted above, we have concluded that a Provincial Victim Service Standard (PVSS) will be the best way to ensure both the content and coordination of victim services as well as guaranteeing (through written formalized protocols) the linkage, as required to both the Crown and police.

We do not doubt that the combination of a properly co-ordinated, community based, local victim service and a clear and enforceable victim service standard should result in appropriate victim services, but it is also clear that this is not the only method worthy of consideration. In fact, the identified importance of linkage to the institutions of the police and Crown and the concurrent statutory duties under the Police Services Act, lead to the option for a local comprehensive, consolidated victim service attached to the institution itself. As our report identifies, to a certain extent, this exists throughout Ontario now with police based victim services and VCARS programs connected to the police and the V/WAP program attached to the Crown.

When the feature of comprehensiveness of service is added to the requirements of the local victim service, it is clear that the institutional attachment must be to the police given the needs of crime victims which arise long before and after the Crown is even involved. Issues such as child care, shelter, trauma counselling, bail concerns, cleaning up crime scenes, restitution determination, s.14 *Compensation for Victims of Crime Act* application or making funeral arrangements are all logically outside the normal Crown jurisdiction or appearance in the process.

This is not to say that formalized linkage to the Crown through its supporting victim service is not important, indeed, the contrary is stated as such in the *Victims' Bill of Rights*. Rather, the local victim service has needs beyond which the Crown's office or its victim focused, support staff can be expected to provide. Instead, as we have been repeatedly advised by V/WAP and MAG, there are functions critical to a victim service, which their attachment to the Ministry can *uniquely* provide. This should be the focus of the Crown linkage to the victim service through its victim service or V/WAP personnel. We expect that either during the development of the Provincial Victim Service Standard or on local planning to implement the standard, that the respective roles and enunciated responsibilities of the police based victim service and Crown victim support will be redefined in a more focused and co-ordinated fashion.

Finally, we wish to make clear that it should be the Provincial Victim Service Standard, and how best to attain it, that drives the process of organization of local victim services. Communities should be free to choose whether they wish to attach their victim services to the police, in combination with (or not) a VCARS program or if they wish the service to exist attached, but independent of, the police based on the current VCARS format but with a mandated co-ordination feature. As well, this local choice will impact on whether the Crown based linkage is delivered through a V/WAP program or, in some instances, in some locations, by the victim service itself. Notwithstanding this, we wish to be clear that victim focused administrative support will be necessary for all Crown offices whether part of a possibly redefined V/WAP program or not.

In effect, government should provide local communities with those things that can be best done by government like, stable funding, generally applicable standards and training and specialized assistance. It should leave to local communities the actual management and direction of those services. Restoring standard guided primacy to local communities was selected years ago by the VCARS program and is on the horizon in the victim assistance standards through the Police Services Act. It makes sense to take this approach in attempting to achieve a Provincial Victim Service Standard. It is time to close the gaps and take down the artificial walls. In communities where public victim services currently operate it will mean an expanded but co-ordinated ability to help all victims of crime. For victims throughout Ontario that will be receiving victim services for the first time it will mean a comprehensive service born of our collective and cumulative experience rather than something based on, "we've always done it that way".

Both of the police and community-based models for the victim service are logically administratively housed within the Ministry of the Solicitor General, which has current responsibilities for policing and the VCARS program. While it is likely that the Office for Victims of Crime should have a prominent role in the development, implementation and maintenance of the Provincial Victim Service Standard (discussed in *Chapter 8*), administration and funding responsibility should reside in this specially and already focused Ministry. In reaching this conclusion we are aided by our resolve that the focus of our work must be on the expeditious improvement of direct services to crime victims throughout Ontario. As will be evident, the same approach of keeping priorities straight has been present during our analysis of the structure of the OVC in the future.

RECOMMENDATION 66: Local victim services be organized to deliver the Provincial Victim Service Standard either attached to the police service (consolidated service) and linked by formal protocols with the Crown and other agencies or community based (co-ordinated service) and linked to the police, Crown and other agencies.

CHAPTER 8

THE FUTURE ROLE OF THE OFFICE FOR VICTIMS OF CRIME

8.1 Proposed Future Mandate of the Office for Victims of Crime

As this report noted earlier, we believe that all crime victims in Ontario should be entitled to receive easy access to services and supports that are comprehensive, flexible, timely and accountable. We are further of the view that an important element in ensuring this commitment will be the statutory creation of the Office and assignment of responsibility to it for making sure that this standard is met. In fact, the Government's recent Blueprint, under the heading Strengthening Victims' Rights, states the direction in a clear and unequivocal way;

> *"To help build on these accomplishments and provide even better support to all victims of crime, we will put all of the various programs and services for victims together under a single, focused agency ~* ***our Office for Victims of Crime****. The Office will be permanently established in legislation and have a new role in ensuring that the principles of the Victims' Bill of Rights are respected. It will also develop provincial standards for all victims' services."*

Since that time, the newly re-elected government has confirmed its continuing commitment to crime victims in the October 1999 *Speech from the Throne*, when the Lt. Governor of Ontario proclaimed,

> *"...your government will introduce legislation that permanently establishes the Office for Victims of Crime and gives it a new role in ensuring that the principles of the Victims' Bill of Rights are respected."*

It is important that this single, victim-focused agency be accountable to crime victims in Ontario while at the same time directly connected to the constituent elements of the justice system in Ontario. In this way, the principles espoused on behalf of crime victims have the best opportunity to become a practical reality.

In attempting to determine the appropriate future role for the Office for Victims of Crime we took special note of the following:

> *For many years, the impact of crime on people has not been a priority in our criminal justice system. The establishment of an office for victims would mark the culmination of years of effort by victims of crime to have their needs acknowledged. An office for victims of crime would provide a valuable service by raising the profile of victims' issues and by working to ensure that appropriate services are available and responsive."*
> **Claudia Mann and Anne Wagner,**
> **Muskoka Victim Services**

- The Ontario government has taken the remarkable step of recognizing the inherent interest of victims of crime in the criminal justice process and sought to ensure that this unique perspective is present through the creation of the Office for Victims of Crime.
- There is an urgent need for provision of basic services for all crime victims throughout Ontario which the previous institutional and administrative arrangements in relation to victim services has failed to address.
- The creation of the Office and the task assigned to it is an opportunity of historic proportions to ensure the justice system in Ontario and its treatment of crime victims are fundamentally and lastingly improved.
- Accordingly, the focus of what we do now, and the immediate role of the Office in the future, must be focused on and structured so as to realize this opportunity for change.

As this report has detailed, we are convinced that immediate and substantial improvements within and related to the criminal justice system are within reach for *all* victims of crime in Ontario. It is therefore our considered conclusion that the future role of the Office should be such as to best ensure the development, implementation and maintenance of the Provincial Victim Service Standard and the achievement, of the important principles of the *Victims' Bill of Rights*. Simply placing all existing victim service programs under the administrative jurisdiction of the Office for Victims of Crime, although a focused consolidation which is perhaps ultimately desirable, may not be the best use of the special entity the government of Ontario has chosen to create. We see the Office as a vehicle to change the status quo and not merely as an addition to it.

I am pleased that this government has recognized the need for and will create an office for victims and their families.
B. Taylor
Family Member of Murder Victim, St Catharines

The models or options for victim services, which we have recommended, include an OVC with a provincial mandate and responsibilities. It is critical that this role be articulated in legislation (as amendments to, *An Act Respecting Victims of Crime*) so that the government vision of fundamental change not be lost in what is the status quo. Instead, in order to achieve the promise of a proper voice for crime victims and an improved criminal justice system, the Office for Victims of Crime should be statutorily given the following mandate:

- to develop, implement and maintain a Provincial Victim Service Standard;
- to facilitate attainment of the principles of the *Victims' Bill of Rights*;
- to develop and provide information, training and education in relation to victimization and its prevention throughout Ontario;
- to provide advice to government on matters of policy or legislative reform consistent and with its mandate and with enhanced public safety generally;
- to provide funding, in defined circumstances, in accordance with its mandate; and
- to provide an Annual Report, or interim reports as required, to the Attorney General and Solicitor General on the state of victim services, public safety issues and related matters.

As detailed earlier in this report, the Office should be organized to provide:

- *Public Education* (Both directly and through CVIP grants to local communities or groups);
- *Research and Training* (As per above);
- *Provincial Victim Service Standard* and *Victims' Bill of Rights resolution* (As per above);
- *Policy and Special Projects* (As per above); and
- *Finance and Administration* (CVIP grants, IVS Fund, s.745 Fund, *Special Victims Assistance Fund* and VJF advice).

RECOMMENDATION 67: The government amend An Act Respecting Victims of Crime to create a permanent Office for Victims of Crime as a scheduled agency reporting to the Attorney General and staffed by victims of crime and front-line criminal justice professionals with experience in victims issues.

Victim service providers indicated their support for a central agency, however they urged that decision-making regarding victim services should be made locally. In other words, provincial standards with local control. To accomplish this and facilitate the expansion of services across the province, the Office proposes utilization of regional coordinators situated strategically throughout the province. Working with the Office and the local services within their respective regions, these regional coordinators will in effect manage the core businesses of the Office as it relates to their particular region.

Much care has been taken to ensure that what is recommended, is not only needed but is also a cost-effective expenditure. For instance, regional coordinators should have their offices located in an established local victim service. The advantages are obvious. They will share office space and support staff, thereby reducing costs, all the while remaining responsive to local expectations.

Because under our recommendations, the Office would not have operational or administrative responsibility for the local victim service or the existing programs, there is a restricted need for OVC personnel beyond the provincial responsibilities enunciated above. Indeed, with local victim services (either co-ordinated or consolidated) and institutions following the Provincial Victim Service Standard, the OVC focus will be on facilitating attainment of the standard for victims throughout Ontario and on identifying any shortfalls to the institutions or programs responsible for the victim service.

RECOMMENDATION 68: The Office for Victims of Crime include regional coordinators.

Office for Victims of Crime Consultative Committee

In order to ensure this occurs, the Office should be assisted by a Consultative Committee comprised of senior representatives of all current victim service programs and institutions as well as groups outside of government involved in provision of victim services. It is to this body, and its constituent members, that any issues with respect to meeting the expectations of either the VBR or the provincial standard should be referred. In recommending this, we are conscious that, for some, this will be seen as lacking "teeth" in the sense of compelling compliance. Our intention is to help shape a system where there is both opportunity and obligation to achieve the desired standards but in doing so we proceed from the position that systems should *not* be built on the assumption that people will not do what they should. Instead, the result should be a process that facilitates achieving the standards and has the capacity to identify and resolve instances where it does not.

Office for Victims of Crime Advisory Body

Given the provincial advisory and policy focus of the Office that we have recommended, we view the creation of an Advisory Board for the Office as desirable. The Board should be comprised of persons from within the institutions of the justice system, including specifically both police and Crown, and persons who have been victimized by crime with the latter constituting a majority. The Advisory Board, appointed by Order in Council, should be identified in the same legislation that creates the Office and defines its mandate. We are confident that with this structure in place, the Provincial Victim Service Standard and the local consolidated or co-ordinated victim services that deliver it will ensure what is required for victims of crime in Ontario.

RECOMMENDATION 69: An Advisory Board for the Office of Victims of Crime be created with a membership of criminal justice professionals and victims of crime, the latter of which shall form a majority of the membership of the Board.

Since the creation of our Office, it has become clear to us that there are significant structural arrangements *within the administration of government* that literally act as barriers to achieving necessary services for victims of crime. Like the various programs they administer, they have grown up over time and now have responsibility for "different" aspects of services for victims of crime, which, on examination, are really not that different and certainly do not justify a separate "program" or administration. Their multiplicity, and understandable, although not deliberate, promotion of their individual program(s), in our view, impedes rather than enhances progress overall.

In the *Blueprint* document, the government committed to housing all programs and services for victims of crime in the OVC as a statutorily created agency. Earlier in this *Chapter* we have recommended a less ambitious initial role for our Office in large part because of our realization of how serious the *internal* challenge would be to accomplish this. We believe that the best use of an Office such as ours is to focus it on the actual attainment of that service including at long last getting the funds accumulating under the present system in the VJF into the communities to help victims where they rightly belong (coupled with empowering local service providers to meet the full spectrum of victims needs unhindered by unnecessary "program restrictions").

This does not mean, however, that the idea of housing the administration of all victim services and programs centrally is unwise or to be abandoned. Far from it. Given the magnitude of the administration currently in existence however, we have concluded that the best method to begin this likely lengthy process would be to create a single administrative responsibility within government (Assistant Deputy Minister (ADM) Victim Services) with *all* victim services and programs housed thereunder and reporting to one or both of the Attorney General and Solicitor General. This first step to removing some of the wholly artificial administrative walls within the administration of victim services will enhance the ultimate achievement of the goals of the *Victims' Bill of Rights* and the repeated declarations of this government in support of victims of crime.

Equally important is the need to meet the Blueprint commitment of statutorily establishing the OVC as an agency. Implicit in this is the need for the OVC to exist outside the day to day administration of the existing, and hopefully evolving, Justice Ministries (albeit reporting through an ADM or DM to the Attorney General). If the OVC is simply another program of a Ministry, it will lack the independence to give life to the government's ***Blueprint*** commitment to *"... have a new role in ensuring that the principles of the Victims' Bill of Rights are respected (and) ...develop provincial standards for all victims services."*

We believe that the commitment made by this Government in the ***Blueprint*** in this regard was a wise one and we urge its implementation.

Victims of Crime Week in Ontario

This report has detailed the impressive initiatives on behalf of victims of crime that have been undertaken by this government, local communities and indeed crime victims themselves. As we have previously noted, Ontario has embarked on an unprecedented commitment to ensure appropriate treatment of crime victims in their interactions with the criminal justice system and other systems and a real and substantial effort at preventing victimization and promoting public safety. Quite simply, safety, feeling safe and properly assisting those victimized by crime is a quality of life issue on which this Province has taken a leadership role.

We are confident that these positive developments, including that which this report recommends, will continue to benefit crime victims and residents of Ontario generally. It is important, however, to ensure that people are aware of what services and programs are available in local communities throughout Ontario. Equally, recognizing the important contribution of crime victims and communities to this quality of life effort, as well as pausing to remember and reflect on the difficulties of those victimized by crime is appropriate.

To that end we are of the view that designating (by House Resolution or by amendment to the *Victims' Bill of Rights*) the week of June 5th-11th annually as Ontario Victims of Crime Week would provide an opportunity to promote the various services, programs and accomplishments, assist local victim services in their roles and honour the significant contribution of victims of crime to the Province of Ontario. We pick this week for a reason. June 11th is the day on which Ontario's *Victims' Bill of Rights* was originally proclaimed in force. Its promise and its principles are an appropriate backdrop to Ontario's ongoing commitment to crime victims and public safety.

RECOMMENDATION 70: The week of June 5th-11th be proclaimed annually as Ontario Victims of Crime Week to honour the contribution of victims of crime to Ontario, to commemorate their plight and to promote victim services throughout Ontario with provincial activities in support of these themes to be co-ordinated by the Office for Victims of Crime.

8.2 Operational Services and Standards

Developing the Standard of Service

In our analysis of victim services a number of common themes emerged, including the importance of provincial standards which are presently lacking. We therefore agree with the note concerning future responsibilities of the Office for Victims of Crime contained in the *Blueprint* document:

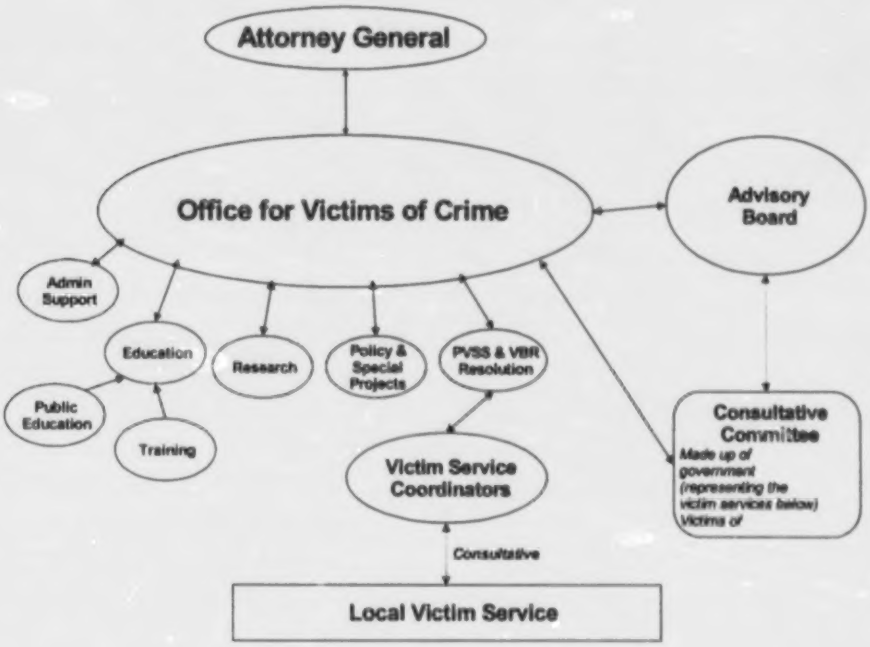
> *"... It will also develop provincial standards for all victims' services."*

To accomplish this task, the Office will work closely with all stakeholders, including the valuable work already underway in the *Partners Serving Victims Team* of the Ministry of the Solicitor General.

During the course of our consultations, we were also extremely fortunate to encounter a number of groups within communities who have worked diligently to prepare for enhanced victim services. From some, Leeds-Grenville, Bruce Grey and Orillia, we have received what amount to operational plans to be able to implement the kind of enhanced co-ordinated victim services contemplated by this report. In Ottawa-Carleton an Advisory Committee came into existence and explored the kinds of issues enhanced victim services necessarily raise. In all instances, real progress has been achieved and we wanted to ensure their hard work is recognized and the potential of successful implementation of enhanced services in those communities understood.

The Provincial Victim Service Standard should be the engine that drives attainment of appropriate victim services throughout Ontario and, as such, its development must be the first priority for government in meeting its commitments to victims of crime. In addition, without it, local communities that seek to acquire victim services will be frustrated by not knowing what they need to do in order to qualify as a victim service eligible for recognition and funding. Accordingly, we urge government to ensure that the standard is in place as soon as possible.

The following diagram outlines proposed OVC functions and relationships:


Attorney General
Office for Victims of Crime
Advisory Board
Admin Support
Education
Research
Policy & Special Projects
PVSS & VBR Resolution
Public Education
Training
Victim Service Coordinators
Consultative Committee
Made up of government (representing the victim services below) Victims of
Consultative
Local Victim Service

8.3 Victims' Bill of Rights Resolution

Three years ago the government introduced and passed legislation, *An Act Respecting Victims of Crime* that set out principles to guide the criminal justice system and the people that work within it, in their dealings with crime victims. The *Victims' Bill of Rights* as it is more commonly known, has initiated considerable discussion and raised expectations relating to the treatment of victims of crime by people working within the criminal justice system. That should be seen as a positive thing. Indeed, with higher expectations, often comes a positive change in attitude and a desire for change. This is precisely why the Office exists.

The Office for Victims of Crime receives feedback, including complaints about the criminal justice system and the treatment of victims and witnesses. This dialogue has provided us with clear opportunities to identify gaps in service and the shortcomings of the system with a view to solving the various problems that crime victims encounter. We are optimistic that as the gaps in service are identified and addressed, the needs of victims of crime will be better served.

As service to victims are enhanced, complaints will likely drop. It is anticipated that most complaints will then be addressed by the local victim service and when required, the regional coordinators. Any caution of a significant or systemic nature will continue to be brought to the attention of the Office for Victims of Crime for action as described above.

8.4 Community-Based Women's Services

This report has detailed extensively the role of community-based services for women victimized by crime. Clearly, they should be separate from other services provided to victims of crime and they should continue to operate independently. At the same time, the Office for Victims of Crime will work to make the criminal justice system a friendlier and more responsive place for all victims of crime including women and children victimized by violent crime. To do this, the Office should work in close co-operation with community-based services and the organizations which represent them.

8.5 The Annual Report

To help the government achieve its goals of improving the treatment of crime victims and enhancing public safety, the Office will provide a public Annual Report to government. This report will detail the state of victim services and progress to date, in achieving the stated goal of "easy access for all victims of crime in Ontario to information, services and supports that are timely, effective, flexible and accountable". The Annual Report will ensure accountability.
Some of the topics to be included in the first Annual Report of the Office for Victims of Crime will include, but are not limited to, the following:

- the criminal injuries compensation process;
- the parole process;
- the adequacy of the *Integrated Justice Project* roll-out as it relates to victims of crime and public safety;
- the provision of coverage of initial trauma counselling through OHIP coverage;
- enforcement of the principles of the *Victims' Bill of Rights;*
- elder abuse prevention;
- the adequacy of safe and secure space devoted to victims of crime in existing and future courthouses; and
- youth victims of crime.

RECOMMENDATION 71: That the Office for Victims of Crime provide an Annual Report to the Minister detailing issues of significance as it relates to public safety and services provided to victims of crime.

8.6 Conclusion

Part of our mandate, through this report, was to provide advice to government on measures to improve services to victims of crime throughout Ontario in their interaction with the criminal justice system and related matters following their victimization. At the same time, since our inception, we have also done our best to fulfill the other part of our mandate by providing advice to government on legislative and policy matters generally which affect crime victims, including improvements to prevent victimization in the future. This too is reflected in our report.

We have no doubt that on reading our report, some may caution that it will raise expectations among victims and citizens generally. Hopefully, it will not only do this but also serve as a beginning to finally meeting these expectations.

CHAPTER 9

SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1: Active police participation in local victim services should be required for any public victim service as well as ensuring that formalized protocols regarding respective duties towards victims of crime are in place for police and other agencies involved in or working with a local victim service.

RECOMMENDATION 2: Crisis intervention and follow-up, where necessary, be mandated as a required function of any model of victim service and serve as a "one time entry" into the entire victim service for the victim of crime encountered.

RECOMMENDATION 3: All victims of crime, wherever situated in the province, should receive victim services which includes a police-based component and that where required this should include "satellite" offices of a local victim service.

RECOMMENDATION 4: Where possible, funding of the police component of the victim services required pursuant to the Police Services Act be derived by municipal/provincial co-operation in recovering revenues identified in this report or through an enhanced Victims' Justice Fund as detailed in this report but, failing that, by provincial funding as required.

RECOMMENDATION 5: The Ministry of the Solicitor General should proceed with the establishment of the Ontario Sex Offender Registry and create and fund a province-wide (joint forces) enforcement unit with additional duties to apprehend high-risk/offenders who are unlawfully at large.

RECOMMENDATION 6: The Ministry of the Solicitor General should direct all police forces within Ontario to gather data from persons at time of charge as to whether at the time of the commission of the alleged offence they were on any of bail, probation, conditional release of any kind, or subject to criminal deportation.

RECOMMENDATION 7: The Ministry of the Solicitor General should take steps to ensure that all police services in Ontario have common or compatible communication and information (file management) systems including those detailed in the Major Case Management Project and that this be precisely mandated and enforced pursuant to the adequacy and effectiveness standards required under the Police Services Act.

RECOMMENDATION 8: The Government of Ontario should launch a concerted effort to ensure compliance with orders made by criminal courts. This should include not only probation and bail but also collecting on unpaid fines, bail forfeitures, and unpaid restitution orders, the proceeds of which should be directed into a statutorily created Law Enforcement Fund with defined purposes for expenditures restricted to law enforcement/public safety or victim services issues or to victims owed restitution.

RECOMMENDATION 9: In conjunction with the victim assistance standards referred to above, training for recruit police officers at the Ontario Police College be expanded in the area of

victimization and the obligations of police to crime victims pursuant to the adequacy and effectiveness standards of the Police Services Act and the Victims' Bill of Rights. At the same time, upon completion of the victim assistance standards, police managers should be provided with in-service training with respect to their responsibilities in this core service area.

RECOMMENDATION 10: Performance appraisals of police personnel and promotional processes should include reference to the knowledge and understanding, along with compliance with the specific victim assistance requirements.

RECOMMENDATION 11: The community-based model of delivery of victim service be utilized as a method for the future delivery of provincially funded comprehensive victim services, specifically including:

- ***direction, in accordance with a Provincial Victim Services Standard, by a locally constituted community co-ordinating body whose composition should include, representatives from, among others, the Crown, police, crime victims and or private victim organizations, shelters and sexual assault centers, the health profession, schools and the local children's aid society;***
- ***formalized links with all police services within the area served by the victim service, including, where appropriate, on-site presence in the police service;***
- ***incorporation as a registered charity with provincial transfer payments received based on service requirements;***
- ***a mobile or satellite service where necessary;***
- ***on-site presence in all courthouses within service area when court is sitting where there is no Victim/Witness Assistance Program; and***
- ***provision of service to all victims of crime including assisted referrals and, where required and possible, multi-lingual and multi-cultural service.***

RECOMMENDATION 12: The Victim Support Line be housed within the Office for Victims of Crime and developed in accordance with this report.

RECOMMENDATION 13: The Supportlink program be reviewed in light of this report and that a high-risk strategy which reviews all existing remedies be developed and implemented by the police and Crown in conjunction with the Office for Victims of Crime and community agencies supporting women at risk.

RECOMMENDATION 14: The various Partner Assault Response programs be consolidated within the Ministry of the Solicitor General with respect to funding, standards and administration and that French and other language program availability be expanded as required.

RECOMMENDATION 15: An empirical review of comparative recidivism by offenders who have completed the program be undertaken by the Ministry of the Solicitor General.

RECOMMENDATION 16: Partner Assault Response programs continue to be funded from sources other than the Victims' Justice Fund.

***RECOMMENDATION 17:** An empirical review of comparative recidivism by offenders who have taken the Violence Awareness Programs for Women be undertaken by the Ministry of Correctional Services.*

***RECOMMENDATION 18:** The Community Victim Initiatives Program be re-instated and housed within the Office for Victims of Crime with expanded criteria to include individual grants for one time community victim initiatives, unrestricted as to the nature of crime and including facilitation of the development of comprehensive local victim services as described in this Report. Funds for such grants should come from the Victims' Justice Fund.*

***RECOMMENDATION 19:** The Coroner's Act be reviewed to mandate a coroner's review or inquest where an individual at large from custody on either bail or conditional release of any kind within Ontario unlawfully causes the death of another person.*

***RECOMMENDATION 20:** Surviving family members granted standing at a Coroner's Inquest be eligible for defined funded counsel either by provision of special funds to the Coroner's Office or through a special Legal Assistance Fund administered by the Office for Victims of Crime.*

***RECOMMENDATION 21:** Victim services provided by the current Victim/Witness Assistance Program be expanded to cover, as appropriate, all crime victims in all jurisdictions in Ontario through victim service models identified in this report.*

***RECOMMENDATION 22:** The Office for Victims of Crime, in cooperation with the Ministry of the Attorney General and the Criminal Injuries Compensation Board, prepare a review of the Criminal Injuries Compensation Board legislation, practice, and procedure and thereafter make recommendations to improve the timely compensation of eligible crime victims, such review to be included in the first Annual Report of the Office.*

***RECOMMENDATION 23:** The Ministry of the Attorney General review the section 5 exclusion provisions of the Compensation for Victims of Crime Act (and related insurance policy coverage) in cooperation with the Office for Victims of Crime and Mothers Against Drunk Driving, Canada and report to the Minister on the feasibility of amendment to provide restricted and or repayable interim compensation to victims of impaired driving offences that would otherwise be eligible under the Act.*

***RECOMMENDATION 24:** The Ministry of the Attorney General conduct an immediate review of administrative support currently available for prosecution offices throughout the province and include provision for any inadequacy in the forthcoming annual divisional budget submissions.*

***RECOMMENDATION 25:** Wherever possible, the Ministry of the Attorney General use only full time crown (permanent or contract) prosecutors.*

***RECOMMENDATION 26:** The Office for Victims of Crime complete a special report on measures required to ensure compliance with the Victims' Bill of Rights and that it be included in the first Annual Report of the Office as detailed in this report.*

***RECOMMENDATION 27:** The Ministry of the Attorney General include victim interaction as an evaluation criteria for hiring and performance reviews for Crown attorneys.*

RECOMMENDATION 28: The Ministry of the Attorney General prepare amendments to the Criminal Code to create a statutory process to permit crime victims to assert their Charter interests in the context of a criminal prosecution.

RECOMMENDATION 29: The Ministry of the Attorney General prepare an amendment to section 486 of the Criminal Code to prohibit or restrict public access to evidence tendered in a criminal prosecution which has been determined by the Court to constitute obscene material or child pornography as defined by the Criminal Code and pertains to an identified victim.

RECOMMENDATION 30: The Office for Victims of Crime develop an adequacy standard for victim facilities within court houses, complete a province wide review of existing facilities and include both in its first Annual Report.

RECOMMENDATION 31: Prosecution of substantial and deliberate non-compliance with probation orders be jointly articulated by the Ministry of Correctional Services and the Ministry of the Attorney General as a priority and adequate resources be directed to both probation and Crown offices to ensure compliance.

RECOMMENDATION 32: All probation services be housed within the Ministry of Correctional Services.

RECOMMENDATION 33: Responsibility for victim services and violence/crime prevention programs in relation to women (and the budget allocations attached thereto) be reviewed to determine whether consolidation of existing activities within a single Ministry would enhance the attainment of the goals of the Violence Against Women Prevention initiative.

RECOMMENDATION 34: Sexual Assault Centres/Rape Crisis Centres be maintained independent of other victim services.

RECOMMENDATION 35: The Ministry of the Solicitor General review all Sexual Assault Centres' service capacity with the express purpose of identifying the interest and need for provision of services to child victims, disabled victims of crime and the parents of children who have been sexually assaulted as local circumstances require, increase funding to ensure provision of such services through the Sexual Assault Centres.

RECOMMENDATION 36: That the Ministry of Solicitor General recognize that there is a need for services specific to current and historical male victims of sexual assault and that the Ministry expand the Cornwall Project Truth pilot project into other communities across Ontario.

RECOMMENDATION 37: The Ministry of the Solicitor General undertake an immediate review of restrictions on transfer payments to Sexual Assault Centres to ensure conformity between the goals of the Agenda for Action and funding to front line shelters.

RECOMMENDATION 38: Ministry of the Solicitor General review compensation provided to Sexual Assault Centres' staff and service funding in light of the recognized importance and difficulty of the work performed and the absence of any such review in the past years.

RECOMMENDATION 39: A facilities upgrade grant program for Sexual Assault Centres be established through the Ministry of the Solicitor General.

RECOMMENDATION 40: All Sexual Assault Centres be included, as appropriate, in the Integrated Justice Project and that the Ministry of the Solicitor General ensure that all Sexual Assault Centres be equipped with adequate computer systems, including laptops and full internet capacity as an immediate priority.

RECOMMENDATION 41: The Office for Victims of Crime establish an on-line library of research and victimization materials in partnership with Ontario Coalition of Rape Crisis Centres and the Ontario Association of Interval and Transition Houses and ensure access to the library by all shelters, Sexual Assault Centres, and local victim services, and offer access to all other persons or institutions.

RECOMMENDATION 42: Provision of multi-lingual translation services, where necessary, including a 24/7 translation line, be recognized as a core responsibility of government in provision of victim services in Ontario

RECOMMENDATION 43: The Ministry of the Solicitor General implement a 24/7 French language women's crisis line for Francophone women seeking the closest shelter/Sexual Assault Centre or other service offering Francophone services and that the province ensure the availability of Francophone shelter/ Sexual Assault Centre service throughout the province where appropriate need is identified.

RECOMMENDATION 44: Cultural training as described in this report be provided for victim service workers, police, Crown, probation and parole authorities, Justices of the Peace and judges in Ontario.

RECOMMENDATION 45: The government should ensure the establishment of Sexual Assault/Domestic Violence Treatment Centres, with community participation, throughout Ontario as required.

RECOMMENDATION 46: The operating budgets of Sexual Assault Centres and shelters be reviewed and increased, where necessary, to ensure a community liaison function as described in this report is part of the service provided.

RECOMMENDATION 47: Expanded legal assistance on a case specific basis for women victimized by crime be provided either through revision to Legal Aid criteria, expansion of local Legal Aid Clinics or a separate Legal Assistance Fund administered by the Office for Victims of Crime.

RECOMMENDATION 48: The Ministry of the Attorney General introduce legislation permitting a regulated contingency fee billing practice in Ontario.

RECOMMENDATION 49: Law schools throughout Ontario, be encouraged to expand the scope of the Student Legal Assistance Programs in operation, so as to include assistance to victims of crime as part of the services offered.

RECOMMENDATION 50:** **The Ministry of the Attorney General pursue amendment to the Criminal Code of Canada to better protect victims by revising the current procedure mandated by the R. v. O'Connor decision.

RECOMMENDATION 51:** **Domestic Violence Community Co-ordinating Committees be set up throughout the province to respond to and work toward the prevention of domestic violence with funding if necessary from the Agenda for Action.

RECOMMENDATION 52:** **The Ministry of the Attorney General identify the need for and then create Domestic Violence Courts in accordance therewith as required throughout the Province.

RECOMMENDATION 53:** **The Ministry of Community and Social Services (or Ministry of the Solicitor General if responsibility is transferred) review core service funding for shelters and counselling services with special regard to seniors, counselling for children, services for male victims of domestic violence, disabled victims' needs, cultural and linguistic services for victims and the importance of case advocacy on behalf of victims.

RECOMMENDATION 54:** **That the Minister of Health and Long Term Care review the Mental Health Act and prepare amendments to:

- ***review the criteria in relation to immediacy of danger posed by specified high risk patients;***
- ***permit compulsory community treatment orders for specified high-risk patients; and***
- ***mandate police notification of discharge contrary to physician advice of specified high-risk patients for the purpose of firearm checks.***

RECOMMENDATION 55:** **Limited trauma counselling for defined crime victims should be made available either through enhancement of Ontario Health Insurance Plan coverage and/or by expedited access to s.14 interim payments pursuant to the Compensation for Victims of Crime Act.

RECOMMENDATION 56:** **The Office for Victims of Crime should work with educational institutions and health care professional organizations to co-ordinate ongoing research into the long term effects of victimization and to develop and promote effective training programs to aid qualified practitioners in treating crime victims and their families.

RECOMMENDATION 57:** **The establishment of Child Advocacy Centers as referenced in this report be examined by the appropriate Ministries of government.

RECOMMENDATION 58:** **Specialized counselling and therapy services for child victims, including as witnesses to violent crime, be recognized as a core service essential for any public victim service and that funding of or to such services include adequate financial resources to ensure its availability.

RECOMMENDATION 59:** **In recognition of the fundamental importance of school safety, the government should establish a Premier's Council on Safe Schools with a mandate to identify means to ensure a safe and secure environment for students and staff at all Ontario schools.

RECOMMENDATION 60: The Ministry of the Attorney General and Ministry of the Solicitor General should, on a priority basis, explore and implement means to collect unpaid fines and uncollected forfeitures, the proceeds of which should be directed into the Victims' Justice Fund or into a newly created Law Enforcement Fund, the revenues from which should be used to support law enforcement improvements and or expansion of victim services. At the same time the Integrated Justice project should be constructed in such a way as to be able to distinctively identify any future unpaid fine or forfeiture so as to facilitate its recovery.

RECOMMENDATION 61: The Ministry of the Solicitor General should, on a priority basis, prepare an analysis of the cost to Ontario taxpayers as a consequence of federal subsidization of RCMP contract policing in all jurisdictions except Ontario and Quebec.

RECOMMENDATION 62: The province immediately establish an Interim Victim Service Fund, administered by the Office for Victims of Crime, of no less than $2 million, and made available on a one time $50,000.00 basis to groups currently providing VCARS/V/WAP type unfunded victim services that are approved by both local police and Crown as required. These grants should come from the existing Victims' Justice Fund surplus and are to be used to sustain such services until such time as the Provincial Victim Services Standard is established and local victim services are constituted to apply for regular Victims' Justice Fund funding.

RECOMMENDATION 63: The province pursue an amendment to section 734.5 of the Criminal Code as follows:

> ***"734. 5 Where an offender is in default of payment of a fine, restitution order registered pursuant to section 741, compensation order made as a part of a probation order pursuant to section 732. 1, bail forfeiture registered pursuant to section 771 or compensation order made as a part of a disposition order pursuant to section 20 of the Young Offenders Act,***
>
> ***(a) the person responsible by or under an Act of the Legislature of the Province to whom the proceeds of the default are owed or assigned by virtue of section 734. 4(1), for issuing or renewing a license, permit, instrument or payment in relation to the offender may refuse to issue or renew the license, permit, or other instrument until the default is paid either in full or pursuant to a gradual payment arrangement enacted by the Lieutenant Governor of a Province for that purpose. "***

RECOMMENDATION 64: A Special Victims Assistance Fund be created to help defray victim expenses in defined circumstances incurred as a result of attending criminal proceedings, such Fund to be administered by the Office for Victims of Crime.

RECOMMENDATION 65: The Ontario government take immediate steps, as outlined in the 1999 Blueprint commitments, to develop a Provincial Victim Service Standard(s), such development to include the Office for Victims of Crime, victims of crime and community based victim service providers as appropriate.

RECOMMENDATION 66: Local victim services be organized to deliver the Provincial Victim Service Standard either attached to the police service (consolidated service) and linked by formal

protocols with the Crown and other agencies or community based (co-ordinated service) and linked to the police, Crown and other agencies.

RECOMMENDATION 67: The government amend An Act Respecting Victims of Crime to create a permanent Office for Victims of Crime as a scheduled agency reporting to the Attorney General and staffed by victims of crime and frontline criminal justice professionals with experience in victims issues.

RECOMMENDATION 68: The Office for Victims of Crime include regional coordinators.

RECOMMENDATION 69: An Advisory Board for the Office of Victims of Crime be created with a membership of criminal justice professionals and victims of crime, the latter of which shall form a majority of the membership of the Board.

RECOMMENDATION 70: The week of June 5th-11th be proclaimed annually as Ontario Victims of Crime Week to honour the contribution of victims of crime to Ontario, to commemorate their plight and to promote victim services throughout Ontario with provincial activities in support of these themes to be co-ordinated by the Office for Victims of Crime.

RECOMMENDATION 71: That the Office for Victims of Crime provide an Annual Report to the Minister detailing issues of significance as it relates to public safety and services provided to victims of crime.

APPENDICES

ATTACHMENTS

1. An Act Respecting Victims of Crime (1995) S.O. c-6.

2. Vanscoy and Evan v. The Queen {1990} O.C.G.D. Day J.

3. 50/50 Quota.

4. Compensation for Victims of Crime Act R.S.O. 1990 c-24.

5. Site Survey, Office for Victims of Crime, Ministry of the Attorney General, 11th Floor, 720 Bay St., Toronto, ON.

6. Victim Survey, Office for Victims of Crime, Ministry of the Attorney General, 11th Floor, 720 Bay St., Toronto, ON.

7. Chronology (4) Office for Victims of Crime, Ministry of the Attorney General, 11th Floor, 720 Bay St., Toronto, ON.

8. Victim Impact Statement Information Guide (4), Victim Witness Assistance Program, Ministry of the Attorney General, 9th Floor, 720 Bay St., Toronto, ON.

9. Handbook on Justice for Victims (Excerpts form Section #2), United Nations, April 1998.

10. Hamilton-Wentworth Police Victim Services Unit Policies

11. Submission to the Subcommittee of the Commons Standing Committee on Justice and Human Rights, May, 1999, Office for Victims of Crime, Ministry of the Attorney General, 720 Bay Street, 11th Floor, Toronto, ON.

12. RCMP Contract Policing (6), Canadian Police Association, 141 rue Catherine St., Bureau 100, Ottawa, ON.

1ST SESSION, 36TH LEGISLATURE, ONTARIO
44 ELIZABETH II, 1995

Bill 23

(Chapter 6
Statutes of Ontario, 1995)

An Act respecting Victims of Crime

The Hon. C. Harnick
Attorney General

1st Reading	November 23, 1995
2nd Reading	December 13, 1995
3rd Reading	December 14, 1995
Royal Assent	December 14, 1995

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(Chapitre 6
Lois de l'Ontario de 1995)

Loi concernant les victimes d'actes criminels

L'honorable C. Harnick
Procureur général

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Bill 23 **1995**

An Act respecting Victims of Crime

Preamble

The people of Ontario believe that victims of crime, who have suffered harm and whose rights and security have been violated by crime, should be treated with compassion and fairness. The people of Ontario further believe that the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

DEFINITIONS

Definitions

1. In this Act,

"crime" means an offence under the *Criminal Code* (Canada); ("acte criminel")

"victim" means a person who, as a result of the commission of a crime by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the crime results in the death of the person, includes,

(a) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and

(b) a dependant or spouse of the person, within the meaning of section 29 of the *Family Law Act*,

but does not include a child, parent, dependant or spouse who is charged with or has been convicted of committing the crime. ("victime")

PRINCIPLES

Principles

2. (1) The following principles apply to the treatment of victims of crime:

1. Victims should be treated with courtesy, compassion and respect for their per-

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Projet de loi 23 **1995**

Loi concernant les victimes d'actes criminels

Préambule

La population de l'Ontario estime que les victimes d'actes criminels, qui ont subi des dommages et dont les droits et la sécurité ont été violés par des actes criminels, doivent être traitées avec compassion et équité. En outre, la population de l'Ontario estime que le système judiciaire doit fonctionner de façon à ne pas accroître les souffrances des victimes d'actes criminels et à ne pas décourager ces dernières de participer au processus judiciaire.

Pour ces motifs, Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

DÉFINITIONS

Définitions

1. Les définitions qui suivent s'appliquent à la présente loi.

«acte criminel» Infraction au sens du *Code criminel* (Canada). («crime»)

«victime» S'entend de la personne qui, par suite de la commission d'un acte criminel par autrui, subit des maux d'ordre affectif ou physique ou une perte ou des dommages d'ordre matériel ou financier et, si la commission de l'acte criminel cause le décès de la personne, s'entend également des personnes suivantes :

a) un enfant ou le père ou la mère de la personne, au sens de l'article 1 de la *Loi sur le droit de la famille*;

b) une personne à charge ou le conjoint de la personne, au sens de l'article 29 de la *Loi sur le droit de la famille*.

Sont toutefois exclus l'enfant, le père, la mère, la personne à charge ou le conjoint qui sont inculpés ou ont été déclarés coupables de la commission de l'acte criminel. («victim»)

PRINCIPES

Principes

2. (1) Les principes suivants s'appliquent au traitement des victimes d'actes criminels :

1. Les victimes doivent être traitées avec courtoisie, avec compassion et dans le

sonal dignity and privacy by justice system officials.

2. Victims should have access to information about,
   i. the services and remedies available to victims of crime,
   ii. the provisions of this Act and of the *Compensation for Victims of Crime Act* that might assist them,
   iii. the protection available to victims to prevent unlawful intimidation,
   iv. the progress of investigations that relate to the crime,
   v. the charges laid with respect to the crime and, if no charges are laid, the reasons why no charges are laid,
   vi. the victim's role in the prosecution,
   vii. court procedures that relate to the prosecution,
   viii. the dates and places of all significant proceedings that relate to the prosecution,
   ix. the outcome of all significant proceedings, including any proceedings on appeal,
   x. any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial,
   xi. the interim release and, in the event of conviction, the sentencing of an accused,
   xii. any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder, and
   xiii. their right under the *Criminal Code* (Canada) to make representations to the court by way of a victim impact statement.
3. A victim of a prescribed crime should, if he or she so requests, be notified of,

respect de leur dignité et de leur vie privée par les fonctionnaires du système judiciaire.

2. Les victimes doivent avoir accès aux renseignements relatifs à ce qui suit :
   i. les services et les recours mis à la disposition des victimes d'actes criminels,
   ii. les dispositions de la présente loi et de la *Loi sur l'indemnisation des victimes d'actes criminels* qui peuvent les aider,
   iii. la protection qui leur est offerte pour empêcher toute intimidation illicite,
   iv. l'état d'avancement des enquêtes se rapportant à l'acte criminel,
   v. les accusations portées à l'égard de l'acte criminel et, en l'absence d'accusations, les motifs pour lesquels aucune accusation n'est portée,
   vi. le rôle de la victime dans la poursuite,
   vii. les procédures judiciaires qui se rapportent à la poursuite,
   viii. les dates et les lieux où se déroulent des étapes importantes de la poursuite,
   ix. l'issue des instances importantes, y compris les instances en appel,
   x. les dispositions préparatoires au procès qui sont prises à l'égard d'un plaidoyer pouvant être inscrit par le prévenu au procès,
   xi. la mise en liberté provisoire du prévenu et, en cas de déclaration de culpabilité, le prononcé de la sentence,
   xii. les décisions rendues aux termes de l'article 672.54 ou 672.58 du *Code criminel* (Canada) à l'égard d'un accusé qui fait l'objet d'un verdict d'inaptitude à subir son procès ou d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux,
   xiii. le droit que leur confère le *Code criminel* (Canada) de présenter des observations au tribunal au moyen d'une déclaration de la victime.
3. Les victimes d'un acte criminel prescrit doivent être avisées, si elles en font la demande, de ce qui suit :

i. any application for release or any impending release of the convicted person, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass, and

ii. any escape of the convicted person from custody.

4. If the person accused of a prescribed crime is found unfit to stand trial or is found not criminally responsible on account of mental disorder, the victim should, if he or she so requests, be notified of,

i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),

ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and

iii. any escape of the accused from custody.

5. Victims of sexual assault should, if the victim so requests, be interviewed during the investigation of the crime only by police officers and officials of the same gender as the victim.

6. A victim's property that is in the custody of justice system officials should be returned promptly to the victim, where the property is no longer needed for the purposes of the justice system.

Limitations

(2) The principles set out in subsection (1) are subject to the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing standards, other than for police services, to be followed in giving effect to the principles set out in subsection (1);

i. la mise en liberté imminente de la personne déclarée coupable ou toute requête visant à obtenir sa mise en liberté, notamment en vertu d'une permission de sortir accordée conformément à un programme d'absence temporaire, d'une libération conditionnelle ou d'un laissez-passer d'absence temporaire sans escorte,

ii. l'évasion de la personne déclarée coupable.

4. Si la personne accusée d'un acte criminel prescrit fait l'objet d'un verdict d'inaptitude à subir son procès ou d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux, les victimes doivent être avisées, si elles en font la demande, de ce qui suit :

i. toute audience que tient à l'égard de l'accusé la commission d'examen constituée ou désignée pour l'Ontario conformément au paragraphe 672.38 (1) du *Code criminel* (Canada),

ii. l'ordonnance de la commission d'examen prescrivant l'absolution inconditionnelle ou sous condition de l'accusé,

iii. l'évasion de l'accusé.

5. Les victimes d'agressions sexuelles, si elles en font la demande, ne doivent être interrogées au cours de l'enquête sur l'acte criminel que par des agents de police et des fonctionnaires du même sexe qu'elles.

6. Les biens de la victime qui sont sous la garde de fonctionnaires du système judiciaire doivent lui être restitués promptement lorsqu'il n'est plus nécessaire de les garder aux fins du système judiciaire.

Restrictions

(2) Les principes énoncés au paragraphe (1) sont subordonnés à la disponibilité des ressources et des renseignements, à ce qui est raisonnable dans les circonstances de l'espèce, à ce qui est compatible avec le droit et l'intérêt public ainsi qu'à ce qui est nécessaire pour garantir qu'aucun retard ne se produise dans le règlement des instances criminelles.

Règlements

(3) Le lieutenant-gouverneur en conseil peut, par règlement :

a) prescrire les normes à suivre, à l'exclusion de celles régissant les services policiers, pour mettre en application les principes énoncés au paragraphe (1);

(b) prescribing crimes for the purposes of paragraphs 3 and 4 of subsection (1).

Same

(4) Standards for police services may be prescribed under paragraph 1 of subsection 135 (1) of the *Police Services Act*.

No new cause of action

(5) No new cause of action, right of appeal, claim or other remedy exists in law because of this section or anything done or omitted to be done under this section.

CIVIL PROCEEDINGS

Damages

3. (1) A person convicted of a prescribed crime is liable in damages to every victim of the crime for emotional distress, and bodily harm resulting from the distress, arising from the commission of the crime.

Presumption

(2) The following victims shall be presumed to have suffered emotional distress:

1. A victim of an assault if the victim is or was a spouse, within the meaning of section 29 of the *Family Law Act*, of the assailant.
2. A victim of a sexual assault.
3. A victim of an attempted sexual assault.

Regulations

(3) The Lieutenant Governor in Council may make regulations prescribing crimes for the purposes of subsection (1).

Interpretation

(4) Nothing in this section shall be interpreted to limit remedies otherwise available under existing law or to preclude the development of remedies under the law.

Application of section

4. (1) This section applies to a civil proceeding in which the victim of a crime seeks redress from a person convicted of the crime for harm suffered as a result of the commission of the crime.

Security for costs

(2) A judge shall not make an order under the rules of court requiring a victim to provide security for costs unless the judge, having considered the spirit and purpose of this Act, considers that it is necessary to do so in the interests of justice.

Damages

(3) Subject to subsection (4), a judge shall not consider the sentence, if any, imposed on a convicted person when ordering that person to pay damages in respect of harm suffered by a victim of the crime.

b) prescrire les actes criminels pour l'application des dispositions 3 et 4 du paragraphe (1).

Idem

(4) Les normes régissant les services policiers peuvent être prescrites en vertu de la disposition 1 du paragraphe 135 (1) de la *Loi sur les services policiers*.

Aucune nouvelle cause d'action

(5) Aucune nouvelle cause d'action ou réclamation ni aucun nouveau droit d'appel ou autre recours n'est fondé en droit sur le présent article ou sur ce qui est fait ou aurait dû être fait aux termes du présent article.

INSTANCES CIVILES

Dommages-intérêts

3. (1) Quiconque est déclaré coupable d'un acte criminel prescrit est redevable à chaque victime de l'acte criminel de dommages-intérêts pour les troubles affectifs qui en découlent et pour les lésions corporelles qui résultent de ces troubles.

Présomption

(2) Sont présumées avoir eu des troubles affectifs les victimes suivantes :

1. La victime de voies de fait si elle est ou était le conjoint, au sens de l'article 29 de la *Loi sur le droit de la famille*, de l'agresseur.
2. La victime d'une agression sexuelle.
3. La victime d'une tentative d'agression sexuelle.

Règlements

(3) Le lieutenant-gouverneur en conseil peut, par règlement, prescrire des actes criminels pour l'application du paragraphe (1).

Interprétation

(4) Le présent article n'a pas pour effet de restreindre les recours qui existent par ailleurs dans le cadre du droit en vigueur ni d'empêcher la création de recours en droit.

Champ d'application de l'article

4. (1) Le présent article s'applique à l'instance civile dans laquelle la victime d'un acte criminel cherche à obtenir d'une personne déclarée coupable de l'acte criminel réparation à l'égard du dommage subi par suite de la commission de l'acte criminel.

Cautionnement pour dépens

(2) Un juge ne doit pas rendre, en vertu des règles de pratique, d'ordonnance exigeant d'une victime qu'elle fournisse un cautionnement pour dépens, sauf si, après avoir tenu compte de l'esprit et de l'objet de la présente loi, il estime qu'il est nécessaire de ce faire dans l'intérêt de la justice.

Dommages-intérêts

(3) Sous réserve du paragraphe (4), un juge ne doit pas tenir compte d'une peine, le cas échéant, qui est imposée à une personne déclarée coupable lorsqu'il ordonne à celle-ci de verser des dommages-intérêts à l'égard du dommage subi par une victime de l'acte criminel.

Exception: punitive damages

(4) A judge shall take the sentence, if any, imposed on a convicted person into consideration before ordering that person to pay punitive damages to a victim.

Interest awards

(5) A judge shall not exercise his or her discretion under clause 130 (1) (a) of the *Courts of Justice Act* to disallow an award of interest to a victim unless the judge, having considered the spirit and purpose of this Act, considers that it is necessary to do so in the interests of justice.

Solicitor and client costs

(6) A judge who makes an order for costs in favour of a victim shall make the order on a solicitor and client basis, unless the judge considers that to do so would not be in the interests of justice.

VICTIMS' JUSTICE FUND ACCOUNT

Victims' justice fund account to be maintained

5. (1) The victim assistance fund account referred to in subsection 60.1 (4) of the *Provincial Offences Act*, as it read immediately before subsection 7 (1) of this Act comes into force, is continued as the victims' justice fund account and shall be maintained as a special account in the Consolidated Revenue Fund.

Amounts to be credited to account

(2) The victims' justice fund account shall consist of,

(a) fine surcharge amounts credited to the account under subsection 60.1 (4) of the *Provincial Offences Act*;

(b) fine surcharge amounts that under section 727.9 of the *Criminal Code* (Canada) the Lieutenant Governor in Council directs be credited to the account;

(c) amounts credited to the account in accordance with an appropriation by the Legislative Assembly of Ontario;

(d) donations made by persons to the Crown to be credited to the account.

Special purpose account

(3) The money paid into the victims' justice fund account is money paid to Ontario for a special purpose within the meaning of the *Financial Administration Act*.

Use of victims' justice fund account

(4) The money paid into the victims' justice fund account shall be used to assist victims, whether by supporting programs that provide assistance to victims, by making grants to community agencies assisting victims or otherwise.

Exception dommages-intérêts punitifs

(4) Un juge tient compte de la peine, le cas échéant, qui est imposée à une personne déclarée coupable avant d'ordonner à celle-ci de verser des dommages-intérêts punitifs à une victime.

Intérêts

(5) Un juge ne doit pas exercer le pouvoir discrétionnaire que lui confère l'alinéa 130 (1) a) de la *Loi sur les tribunaux judiciaires* pour refuser d'accorder des intérêts à une victime, sauf si, après voir tenu compte de l'esprit et de l'objet de la présente loi, il estime qu'il est nécessaire de ce faire dans l'intérêt de la justice.

Dépens procureur-client

(6) Le juge qui rend une ordonnance d'adjudication des dépens en faveur d'une victime le fait sur une base procureur-client, sauf s'il estime que ce faire ne serait pas dans l'intérêt de la justice.

COMPTE DU FONDS DE LA JUSTICE POUR LES VICTIMES

Maintien du compte du fonds de la justice pour les victimes

5. (1) Le compte du fonds d'aide aux victimes mentionné au paragraphe 60.1 (4) de la *Loi sur les infractions provinciales*, tel qu'il existait immédiatement avant l'entrée en vigueur du paragraphe 7 (1) de la présente loi, est maintenu comme le compte du fonds de la justice pour les victimes et il est maintenu comme compte spécial du Trésor.

Sommes affectées au compte

(2) Le compte du fonds de la justice pour les victimes comprend les sommes suivantes :

a) les suramendes affectées au compte aux termes du paragraphe 60.1 (4) de la *Loi sur les infractions provinciales*;

b) les suramendes compensatoires affectées au compte sur les instructions du lieutenant-gouverneur en conseil conformément à l'article 727.9 du *Code criminel* (Canada);

c) les sommes affectées au compte conformément à une affectation de crédits de l'Assemblée législative de l'Ontario;

d) les dons que des personnes font à la Couronne, qui doivent être affectés à ce compte.

Compte à des fins particulières

(3) Les sommes d'argent versées au compte du fonds de la justice pour les victimes constituent des sommes d'argent versées à l'Ontario à des fins particulières au sens de la *Loi sur l'administration financière*.

Utilisation du compte du fonds de la justice pour les victimes

(4) Les sommes d'argent versées au compte du fonds de la justice pour les victimes sont utilisées pour aider les victimes, notamment en appuyant les programmes d'aide aux victimes ou en subventionnant les organismes communautaires qui offrent une telle aide.

Payments out of account

(5) Subject to the approval of Management Board of Cabinet, payments may be made out of the victims' justice fund account for the purpose described in subsection (4).

Expenses

(6) The Lieutenant Governor in Council in each year may authorize the payment out of the victims' justice fund account to the Consolidated Revenue Fund generally of an amount for the payment of expenses in connection with the administration of the account.

Regulations

(7) The Lieutenant Governor in Council may make regulations,

(a) establishing criteria that must be met by a program or agency before a payment is made out of the victims' justice fund account to support the program or agency;

(b) establishing a formula or other basis according to which money in the victims' justice fund account is to be paid out.

EVIDENCE ACT

6. (1) Section 18 of the *Evidence Act* is repealed and the following substituted:

Presumption of competency

18. (1) A person of any age is presumed to be competent to give evidence.

Challenge, examination

(2) When a person's competence is challenged, the judge, justice or other presiding officer shall examine the person.

Exception

(3) However, if the judge, justice or other presiding officer is of the opinion that the person's ability to give evidence might be adversely affected if he or she examined the person, the person may be examined by counsel instead.

Evidence of witness under 14

18.1 (1) When the competence of a proposed witness who is a person under the age of 14 is challenged, the court may admit the person's evidence if the person is able to communicate the evidence, understands the nature of an oath or solemn affirmation and testifies under oath or solemn affirmation.

Same

(2) The court may admit the person's evidence, if the person is able to communicate the evidence, even though the person does not understand the nature of an oath or solemn affirmation, if the person understands what it means to tell the truth and promises to tell the truth.

Further discretion

(3) If the court is of the opinion that the person's evidence is sufficiently reliable, the court has discretion to admit it, if the person is able to communicate the evidence, even if the

Paiements prélevés sur le compte

(5) Sous réserve de l'approbation du Conseil de gestion du gouvernement, des paiements peuvent être prélevés sur le compte du fonds de la justice pour les victimes aux fins visées au paragraphe (4).

Frais

(6) Chaque année, le lieutenant-gouverneur en conseil peut autoriser le versement au Trésor, sans affectation particulière, d'une somme prélevée sur le compte du fonds de la justice pour les victimes en vue du paiement de frais se rapportant à l'administration de ce compte.

Règlements

(7) Le lieutenant-gouverneur en conseil peut, par règlement :

a) établir des critères auxquels doit satisfaire un programme ou un organisme avant qu'un paiement soit prélevé sur le compte du fonds de la justice pour les victimes pour l'appuyer;

b) établir une formule ou autre base de prélèvement de sommes d'argent détenues dans le compte du fonds de la justice pour les victimes.

LOI SUR LA PREUVE

6. (1) L'article 18 de la *Loi sur la preuve* est abrogé et remplacé par ce qui suit :

Présomption d'habilité

18. (1) Toute personne, quel que soit son âge, est présumée habile à témoigner.

Contestation, interrogatoire

(2) Lorsque l'habilité à témoigner d'une personne est contestée, le juge, juge de paix ou autre officier de justice qui préside interroge la personne.

Exception

(3) Toutefois, si le juge, juge de paix ou autre officier de justice qui préside est d'avis qu'interroger lui-même la personne pourrait nuire à la capacité de celle-ci à témoigner, un avocat peut l'interroger à sa place.

Témoignage d'un témoin de moins de 14 ans

18.1 (1) Lorsque l'habilité à témoigner d'un témoin proposé qui est une personne âgée de moins de 14 ans est contestée, le tribunal peut admettre le témoignage de la personne si elle est capable de communiquer son témoignage, comprend la nature d'un serment ou d'une affirmation solennelle et témoigne sous serment ou sous affirmation solennelle.

Idem

(2) Le tribunal peut admettre le témoignage de la personne, si elle est capable de communiquer son témoignage, même si elle ne comprend pas la nature d'un serment ou d'une affirmation solennelle mais qu'elle comprend ce que dire la vérité signifie et qu'elle promet de dire la vérité.

Pouvoir discrétionnaire additionnel

(3) S'il est d'avis que le témoignage de la personne est suffisamment fiable, le tribunal peut l'admettre, si la personne est capable de communiquer son témoignage, même si elle

person understands neither the nature of an oath or solemn affirmation nor what it means to tell the truth.

Corroboration not required, witness under 14

18.2 (1) Evidence given by a person under the age of 14 need not be corroborated.

No mandatory warning

(2) It is not necessary to instruct the trier of fact that it is unsafe to rely on the uncorroborated evidence of a person under the age of 14.

Videotaped testimony, witness under 18

18.3 (1) A videotape of the testimony of a witness under the age of 18 that satisfies the conditions set out in subsection (2) may be admitted in evidence, if the court is of the opinion that this is likely to help the witness give complete and accurate testimony or that it is in the best interests of the witness.

Conditions

(2) The judge or other person who is to preside at the trial and the lawyers of the parties to the proceeding shall be present when the testimony is given, and the lawyers shall be given an opportunity to examine the witness in the same way as if he or she were testifying in the courtroom.

Screen, support person

(3) Subsection 18.4 (1) and section 18.5 apply with necessary modifications when testimony is being videotaped.

Effect of admitting videotape

(4) If a videotape is admitted under subsection (1), the witness need not attend or testify and shall not be summoned to testify.

Exception

(5) However, in exceptional circumstances, the court may require the witness to attend and testify even though a videotape of his or her testimony has been admitted in evidence.

Videotaped interview

(6) With the leave of the court, a videotape of an interview with a person under the age of 18 may be admitted in evidence if the person, while testifying, adopts the contents of the videotape.

Hearsay exceptions preserved

(7) Subsection (6) is in addition to any rule of law under which a videotape may be admitted in evidence.

Screen, witness under 18

18.4 (1) A witness under the age of 18 may testify behind a screen or similar device that allows the witness not to see an adverse party, if the court is of the opinion that this is likely to help the witness give complete and accurate testimony or that it is in the best interests of the witness, and if the condition set out in subsection (4) is satisfied.

ne comprend ni la nature d'un serment ou d'une affirmation solennelle ni ce que dire la vérité signifie.

Corroboration non nécessaire, témoin de moins de 14 ans

18.2 (1) Le témoignage d'une personne âgée de moins de 14 ans n'a pas besoin d'être corroboré.

Pas de mise en garde obligatoire

(2) Il n'est pas nécessaire d'instruire le juge des faits qu'il n'est pas prudent de se fier au témoignage non corroboré d'une personne âgée de moins de 14 ans.

Enregistrement magnétoscopique du témoignage, témoin de moins de 18 ans

18.3 (1) L'enregistrement magnétoscopique du témoignage d'un témoin âgé de moins de 18 ans qui satisfait aux conditions énoncées au paragraphe (2) peut être admis en preuve si le tribunal est d'avis que le fait de procéder ainsi aidera vraisemblablement le témoin à donner un témoignage complet et exact ou est dans l'intérêt véritable du témoin.

Conditions

(2) Le juge ou toute autre personne qui doit présider au procès et les avocats des parties à l'instance assistent au témoignage, et les avocats doivent avoir l'occasion d'interroger le témoin de la même façon que s'il témoignait en salle d'audience.

Écran, soutien

(3) Le paragraphe 18.4 (1) et l'article 18.5 s'appliquent, avec les adaptations nécessaires, dans le cas de l'enregistrement magnétoscopique d'un témoignage.

Effet de l'admission d'un enregistrement magnétoscopique

(4) Si un enregistrement magnétoscopique est admis en vertu du paragraphe (1), le témoin n'a pas besoin de se présenter ni de témoigner et il ne peut être assigné à témoigner.

Exception

(5) Toutefois, dans des circonstances exceptionnelles, le tribunal peut exiger que le témoin se présente et témoigne même si un enregistrement magnétoscopique de son témoignage a été admis en preuve.

Enregistrement magnétoscopique d'un entretien

(6) Avec l'autorisation du tribunal, l'enregistrement magnétoscopique d'un entretien avec une personne âgée de moins de 18 ans peut être admis en preuve si elle confirme dans son témoignage le contenu de l'enregistrement.

Maintien des exceptions à l'exclusion du ouï-dire

(7) Le paragraphe (6) s'ajoute aux règles de droit en vertu desquelles un enregistrement magnétoscopique peut être admis en preuve.

Écran, témoin de moins de 18 ans

18.4 (1) Un témoin âgé de moins de 18 ans peut témoigner derrière un écran ou un dispositif semblable lui permettant de ne pas voir une partie adverse si, d'une part, le tribunal est d'avis que le fait de procéder ainsi aidera vraisemblablement le témoin à donner un témoignage complet et exact ou est dans l'intérêt véritable du témoin, et que, d'autre part, il

Closed-circuit television

(2) The court may order that closed-circuit television be used instead of a screen or similar device if the court is of the opinion that,

(a) a screen or similar device is insufficient to allow the witness to give complete and accurate testimony; or

(b) the best interests of the witness require the use of closed-circuit television.

Same

(3) If the court makes an order under subsection (2), the witness shall testify outside the courtroom and his or her testimony shall be shown in the courtroom by means of closed-circuit television.

Condition

(4) When a screen or similar device or closed-circuit television is used, the judge and jury and the parties to the proceeding and their lawyers shall be able to see and hear the witness testify.

Support person, witness under 18

18.5 (1) During the testimony of a witness under the age of 18, a support person chosen by the witness may accompany him or her.

Court's discretion

(2) If the court determines that the support person chosen by the witness is not appropriate for any reason, the witness is entitled to choose another support person.

Examples

(3) The following are examples of reasons on the basis of which the court may determine that the support person chosen by a witness is not appropriate:

1. The court is of the opinion that the support person may attempt to influence the testimony of the witness.
2. The support person behaves in a disruptive manner.
3. The support person is also a witness in the proceeding.

Personal cross-examination by adverse party

18.6 (1) The court may prohibit personal cross-examination of a witness under the age of 18 by an adverse party if the court is of the opinion that such a cross-examination,

(a) would be likely to affect adversely the ability of the witness to give evidence; or

(b) would not be in the best interests of the witness.

Alternatives

(2) If the court prohibits personal cross-examination by the adverse party, the cross-examination may be conducted in some other appropriate way (for example, by means of

est satisfait à la condition énoncée au paragraphe (4).

Télévision en circuit fermé

(2) Le tribunal peut ordonner que la télévision en circuit fermé soit utilisée au lieu d'un écran ou d'un dispositif semblable s'il est d'avis que, selon le cas :

a) un écran ou un dispositif semblable ne suffit pas pour que le témoin puisse donner un témoignage complet et exact.

b) l'intérêt véritable du témoin exige l'utilisation de la télévision en circuit fermé.

Idem

(3) Si le tribunal rend une ordonnance en vertu du paragraphe (2), le témoin témoigne à l'extérieur de la salle d'audience et son témoignage est montré dans la salle d'audience par télévision en circuit fermé.

Condition

(4) Lorsqu'un écran ou un dispositif semblable ou la télévision en circuit fermé est utilisé, le juge et le jury ainsi que les parties à l'instance et leurs avocats doivent être capables de voir et d'entendre le témoin témoigner.

Soutien, témoin de moins de 18 ans

18.5 (1) Pendant le témoignage d'un témoin âgé de moins de 18 ans, un soutien choisi par le témoin peut accompagner ce dernier.

Pouvoir discrétionnaire du tribunal

(2) Si le tribunal décide que le soutien choisi par le témoin n'est pas approprié pour quelque raison que ce soit, le témoin a le droit de choisir un autre soutien.

Exemples

(3) Les raisons suivantes sont des exemples de raisons pour lesquelles le tribunal peut décider que le soutien choisi par un témoin n'est pas approprié :

1. Le tribunal est d'avis que le soutien peut essayer d'influer sur le témoignage du témoin.
2. Le comportement du soutien est perturbateur.
3. Le soutien est également un témoin dans l'instance.

Contre-interrogatoire par une partie adverse

18.6 (1) Le tribunal peut interdire à une partie adverse de contre-interroger personnellement un témoin âgé de moins de 18 ans s'il est d'avis qu'un tel contre-interrogatoire, selon le cas :

a) nuirait vraisemblablement à la capacité du témoin à témoigner;

b) ne serait pas dans l'intérêt véritable du témoin.

Autres méthodes

(2) Si le tribunal interdit à la partie adverse de contre-interroger personnellement le témoin, le contre-interrogatoire peut se faire selon une autre méthode appropriée (par exemple, au moyen de questions écrites par la

questions written by the adverse party and read to the witness by the court).

(2) Subsection 22 (2) of the Act is repealed.

(3) The Act is amended by adding the following section:

Proof of conviction or discharge

22.1 (1) Proof that a person has been convicted or discharged anywhere in Canada of a crime is proof, in the absence of evidence to the contrary, that the crime was committed by the person, if,

(a) no appeal of the conviction or discharge was taken and the time for an appeal has expired; or

(b) an appeal of the conviction or discharge was taken but was dismissed or abandoned and no further appeal is available.

Same

(2) Subsection (1) applies whether or not the convicted or discharged person is a party to the proceeding.

Same

(3) For the purposes of subsection (1), a certificate containing the substance and effect only, omitting the formal part, of the charge and of the conviction or discharge, purporting to be signed by the officer having the custody of the records of the court at which the offender was convicted or discharged, or by the deputy of the officer, is, on proof of the identity of the person named as convicted or discharged person in the certificate, sufficient evidence of the conviction or discharge of that person, without proof of the signature or of the official character of the person appearing to have signed the certificate.

PROVINCIAL OFFENCES ACT

7. (1) Subsection 60.1 (4) of the *Provincial Offences Act*, as enacted by the Statutes of Ontario, 1994, chapter 17, section 130, is amended by striking out "victim assistance" in the second and third lines and substituting "victims' justice".

(2) Subsections 60.1 (5) and (6), clause 60.1 (7) (b) and subsection 60.1 (8) of the Act, as enacted by the Statutes of Ontario, 1994, chapter 17, section 130, are repealed.

COMMENCEMENT AND SHORT TITLE

Commencement

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Victims' Bill of Rights, 1995*.

partie adverse et lues au témoin par le tribunal).

(2) Le paragraphe 22 (2) de la Loi est abrogé.

(3) La Loi est modifiée par adjonction de l'article suivant :

Preuve d'une déclaration de culpabilité ou d'une libération

22.1 (1) La preuve qu'une personne a été déclarée coupable ou libérée au Canada à l'égard d'un acte criminel constitue la preuve, en l'absence de preuve contraire, que l'acte criminel a été commis par la personne si, selon le cas :

a) il n'a pas été interjeté appel de la déclaration de culpabilité ou de la libération et le délai d'appel est expiré;

b) il a été interjeté appel de la déclaration de culpabilité ou de la libération, mais l'appel a été rejeté ou a fait l'objet d'un désistement et aucun autre appel n'est prévu.

Idem

(2) Le paragraphe (1) s'applique que la personne déclarée coupable ou libérée soit une partie à l'instance ou non.

Idem

(3) Pour l'application du paragraphe (1), un certificat énonçant seulement la substance et l'effet de l'accusation et de la déclaration de culpabilité ou de la libération, et omettant la partie de forme, qui se présente comme étant signé par l'officier ayant la garde des archives du tribunal qui a déclaré le contrevenant coupable ou qui l'a libéré, ou par son adjoint, constitue une preuve suffisante de la déclaration de culpabilité ou de la libération de la personne, une fois prouvé que la personne est bien celle désignée sur le certificat comme ayant été déclarée coupable ou libérée, sans qu'il soit nécessaire d'établir l'authenticité de la signature ni la qualité officielle de la personne qui paraît être le signataire.

LOI SUR LES INFRACTIONS PROVINCIALES

7. (1) Le paragraphe 60.1 (4) de la *Loi sur les infractions provinciales*, tel qu'il est adopté par l'article 130 du chapitre 17 des Lois de l'Ontario de 1994, est modifié par substitution, à «d'aide aux» à la deuxième ligne, de «de la justice pour les».

(2) Les paragraphes 60.1 (5) et (6), l'alinéa 60.1 (7) b) et le paragraphe 60.1 (8) de la Loi, tels qu'ils sont adoptés par l'article 130 du chapitre 17 des Lois de l'Ontario de 1994, sont abrogés.

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

8. La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Titre abrégé

9. Le titre abrégé de la présente loi est *Charte de 1995 des droits des victimes d'actes criminels*.

protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the previously approved undertaking and the changes in the undertaking are exempt from the application of sections 5 and 17 of the Act for the following reasons:

A. An undertaking consisting of the program of planning, designing, removal of existing equipment and structures, construction, operating and maintaining of hydroelectric generation, incorporation and associated facilities required to develop the hydroelectric generation potential at the existing Allanburg #2 intake control structure on Lake Gibson, was approved on December 19, 1991 pursuant to Order-in-Council No. 3202/91, with the condition that the approval expires on August 31, 1996 if construction of the undertaking has not commenced by that date.

B. That undertaking and environmental considerations as described in the Lake Gibson Small Hydro Generating Station Environmental Assessment remain unchanged.

C. An active public and government involvement program was carried out as part of the EA process and no submissions or requests for a hearing were received after giving Notice of Completion of Review dated October 25, 1991.

D. The protection, conservation, and wise management of the environment have been provided for in the previously approved undertaking.

This exemption is subject to the following terms and conditions:

1. Ontario Hydro shall carry out the construction, operation and maintenance of the Lake Gibson Small Hydro Generating Station in accordance with the previous approval (except for the requirement of commencing construction before August 31,1996) or as otherwise updated by condition #2.
2. Prior to the commencement of construction, Ontario Hydro will review the predicted effects and proposed mitigation measures described in the previous approval to confirm that they are still valid. Ontario Hydro shall advise the Director by written notice of the results of the review and, if there are major changes, of the steps to be taken to mitigate any associated adverse environmental effects.
3. This exemption order replaces the approval contained in Ontario Regulation 3202/91 which expired on August 31, 1996.
4. This exemption order expires on August 31, 2001 if construction has not commenced by that date.

Norman William Sterling
Minister of Environment and Energy

42/96

ONTARIO REGULATION 456/96
made under the
VICTIMS' BILL OF RIGHTS, 1995

Made: October 2, 1996
Filed: October 4, 1996

GENERAL

1. All crimes described in the *Criminal Code* (Canada) are prescribed for the purposes of paragraphs 3 and 4 of subsection 2 (1).

2. The crimes described in the following provisions of the *Criminal Code* (Canada) are prescribed for the purposes of subsection 3 (1):

1. Section 151.
2. Section 152.
3. Section 153.
4. Section 155.
5. Section 159.
6. Section 170.
7. Section 171.
8. Section 172.
9. Section 220.
10. Section 221.
11. Section 235.
12. Section 236.
13. Section 239.
14. Section 240.
15. Section 244.
16. Section 264.
17. Section 264.1.
18. Section 266.
19. Section 267.
20. Section 268.
21. Section 269.
22. Section 271.
23. Section 272.
24. Section 273.
25. Section 279.
26. Section 279.1.
27. Section 280.
28. Section 281.
29. Section 283.
30. Section 344.
31. Section 372.

42/96

Court File No. 97-CV-134533SR

ONTARIO COURT
(GENERAL DIVISION)

BETWEEN:

KAREN LEE VANSCOY, LINDA MARIE EVEN and TRACY LILIAN CHRISTIE Applicants	*Alan N. Young*, for the Applicants
- and -	
HER MAJESTY THE QUEEN (IN RIGHT OF ONTARIO) Respondent	*Thomas C. Marshall, Q.C.* and *Robert E. Chamey*, for the Respondent
	Heard: March 3, 1999

DAY J.

JUDGMENT

[1] The Applicants seek a declaration that their statutory rights under s.2(1) of *An Act Respecting Victims of Crime*, S.O. 1995, c.6 (hereinafter "the *Act*" or "*Victims Bill of Rights*") have been violated, and that the exculpatory language of s.2(5) of the *Act* violates their constitutional rights under s.7 of the *Charter of Rights and Freedoms*, and is therefore of no force or effect.

[2] Additionally, the Applicants seek a declaration that the right to be kept informed has crystallized into a principle of fundamental justice, and that s.2(5) of the *Act* is over-ridden by their right to a constitutional remedy under s.24 of the *Charter*, and is therefore of no force and effect.

[3] The Applicant, Tracy Lilian Christie filed a Notice of Abandonment of her claim dated September 13, 1998.

FACTS

[4] The following facts are distilled from the affidavits filed by both parties to this application. For reasons which I explain below, they represent only those facts upon which both sides are not in disagreement.

1. The Applicant Karen Vanscoy

[5] On September 24, 1996, 14 year-old Jasmine Vanscoy, the daughter of the Applicant, was shot in the forehead with a stolen 45 mm. semi-automatic weapon. Her attacker was A.M., a young offender. The bullet entered the victim's head above the right eye and exited through the back of her skull. Her wounds were fatal and she died a few hours later in hospital.

[6] Despite apparently strongly voiced objections by the Applicant, Crown counsel and the lawyer for her daughter's killer plea bargained that the accused would be tried in Youth Court and that there would be a joint submission for a two year sentence for the offence of manslaughter.

2. The Applicant Linda Even

[7] On November 5, 1996, one Paul Mercier, the Applicant's ex-common-law husband attended at her home. She asked him to leave. He refused, and told her he was going to kill her. He attacked her with a pair of scissors he had brought with him. He was restrained at one point by a neighbour, but renewed his assault again when an opportunity arose. He fled the scene, but was later apprehended by police and charged with attempted murder and possession of dangerous weapons.

[8] As a result of the attack by Mercier, Ms. Even's dominant hand is permanently crippled after five operations. She also sustained serious wounds to her head, limbs and torso from which she now suffers from permanent pain and depression. Additionally, her daughter Hillary, a witness to the offence, now suffers consequential psychological difficulties such as paranoia, sleeplessness and receives counseling from Child and Family Services.

[9] At the commencement of the preliminary hearing the Clerk of the Court read out the charge of attempted murder. Counsel for the accused, pursuant to a plea resolution agreement, addressed the court and consented on behalf of the accused Mercier to waive the necessity of evidence to be heard on the reduced charge of aggravated assault. Ms. Even, who was sitting in the courtroom during this exchange, was, in her own words, "confused and stunned at what [she] was hearing." She stood up in court and said "No" and indicated she wished to speak to Crown counsel, Mr. Root. They went off the record and Ms. Even and Mr. Root spoke for approximately two minutes. Ms. Even asked why Mr. Mercier was pleading guilty to aggravated assault rather than attempted murder. Mr. Root explained to her that an agreement had been reached that Mr. Mercier would plead guilty to aggravated assault rather than go to trial on attempted murder. Mr. Root also explained that, in his opinion, based on the evidence, aggravated assault was the appropriate charge in the circumstances. This was apparently the first that Ms. Even had heard of this deal.

[10] On Feb. 7, 1997, Mr. Mercier was sentenced to five years imprisonment in addition to his three month pre-trial custody for the attack against Ms. Even.

RELEVANT LEGISLATION

The *Victims Bill of Rights*

[11] The *Victims Bill of Rights* was passed in 1995 as Bill 23. It was proclaimed June 11, 1996 and the Regulations thereunder were passed October 4, 1997. For the purposes of providing the context and the general thrust of the legislation, I refer to the Preamble to the legislation which reads as follows:

> The people of Ontario believe that victims of crime, who have suffered harm and whose rights and security have been violated by crime, should be treated with compassion and fairness. The people of Ontario further believe that the justice system should operate in a manner that does not increase the suffering of victims of crime and does not discourage victims of crime from participating in the justice process.

[12] The purported statutory rights the Applicants allege have been violated are found in section 2(1) of the *Victims Bill of Rights*, which provides as follows:

> *Principles*
>
> 2.(1) The following principles apply to the treatment of victims of crime:
>
> 1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials;
>
> 2. Victims should have access to information about:
>   (i) the services and remedies available to victims of crime,
>   (ii) the provisions of this *Act* and of the *Compensation for Victims of Crime Act* that might assist them,
>   (iii) the protection available to victims to prevent unlawful intimidation,
>   (iv) the progress of investigations that relate to the crime,
>   (v) the charges laid with respect to the crime and, if no charges are laid, the reasons why no charges are laid,

(vi) the victim's role in the prosecution,
(vii) court procedures that relate to the prosecution,
(viii) the dates and places of all significant proceedings that relate to the prosecution,
(ix) the outcome of all significant proceedings, including any proceedings on appeal,
(x) any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial,
(xi) the interim release and, in the event of conviction, the sentencing of an accused,
(xii) any disposition made under s. 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder, and
(xiii) their right under the *Criminal Code* (Canada) to make representations to the court by way of a victim impact statement.

3. A victim of a prescribed crime should, if he or she so requests, be notified of,

(i) any application for release or any impending release of the convicted person, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass, and
(ii) any escape of the convicted person from custody.

4. If the person accused of a prescribed crime is found unfit to stand trial or is found not criminally responsible on account of mental disorder, the victim should, if he or she so requests, be notified of,

(i) any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38(1) of the *Criminal Code* (Canada),
(ii) any order of the Review Board directing the absolute or conditional discharge of the accused, and
(iii) any escape of the accused from custody.

> 5. Victims of sexual assault should, if the victim so requests, be interviewed during the investigation of the crime only by police officers and officials of the same gender as the victim.
>
> 6. A victim's property that is in the custody of justice system officials should be returned promptly to the victim, where the property is no longer needed for the purposes of the justice system.

[13] The final section relevant to this application is section 2(5). It reads:

> 2.(5) No new cause of action, right of appeal, claim or other remedy exists in law because of this section or anything done or omitted to be done under this section.

The *Charter of Rights and Freedoms*

[14] The Applicants rely upon ss. 7 and 24(1) of the *Charter*:

> 7. Everyone has the right to life, liberty and security of the person and the right to not be deprived thereof except in accordance with the principles of fundamental justice.
>
> 24.(1) Anyone whose rights or freedoms, as guaranteed by the Charter, have been infringed or denied, may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

ISSUES

[15] The issues to be addressed in this application can be described as follows:

(i) Does s.2(1) of the *Victims Bill of Rights* provide statutory rights to the Applicants?

(ii) If the answer to question (i) is in the affirmative, were these statutory rights violated by the actions of the Crown and police officers in the instant cases?

(iii) Does the exculpatory language of s.2(5) of the *Victims Bill of Rights* violate principles of fundamental justice that there should be no right without a remedy?

(iv) Has the right of a victim to be kept informed crystallized into a principle of fundamental justice thereby overriding s.2(5) of the *Victims Bill of Rights*?

ANALYSIS

(i) Does s.2(1) of the Victims Bill of Rights provide statutory rights to the Applicants?

[16] This is a matter of statutory interpretation. E.A. Driedger, Construction of Statutes, 2nd ed. (1983), p. 87, has written:

> Today there is only one principle or approach, namely, the words of an *Act* are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the *Act*, the object of the *Act*, and the intention of Parliament.

[17] With this in mind, I make the following observations and conclusions in respect of the *Act*. Firstly, the provisions in s. 2(1) are proscribed under the heading "Principles". Blair J.A. for the Court of Appeal in *Re African Lion Safari & Game Farm Ltd. and Kerrio* (1987), 59 O.R. (2d) 65 (C.A.) held at p. 73:

> The recent decision of the Supreme Court of Canada in *Law Society of Upper Canada v. Skapinker* (1984), 9 D.L.R. (4th) 161, 11 C.C.C. (3d) 481, [1984] 1 S.C.R. 357 has removed all doubt about the use of headings in the interpretation of statutes. *It is established by that decision that headings can be used as an aid to interpretation especially where the language of the statute is ambiguous.* [emphasis added]

There is no issue of ambiguity in this case.

[18] First, the language of the heading the *Act* provides a preliminary idea that the subject matter of the sections immediately following is "principles", not "rights."

[19] Second, one next moves from the headings to the wording of the section itself. I note that the opening words of s.2(1) state "The following *principles* apply to the treatment of victims of crime . . ." Again, there is no mention of "rights" being granted to victims of crime by the *Act*. Rather the provisions following were intended to be statements of principles.

[20] Third, the language used throughout s.2(1) is precatory rather than imperative. Throughout the section, the legislature has chosen to use the term "should" rather than "must" or "shall". In *R. v. S.(S.)*, [1990] 2 S.C.R. 254, Dickson C.J. held at 274:

> The use of the term "should" in s. 3(1)(d) [of the *Young Offenders Act*] does not provide evidence of a mandatory duty. . . . I find that the word "should" denotes simply a "desire or request" . . . and not a legal obligation.

On that authority, the words of s.2(1) of the *Victims Bill of Rights* itself do not lead to the interpretation that there is a legal obligation imposed upon the Crown.

[21] Finally, if there is any doubt remaining, the exculpatory language of s.2(5), specifically provides that no new cause of action or appeal would arise from any breach of the principles enunciated in s.2(1). This clearly and unequivocally makes the point that the legislature did not intend for s.2(1) to provide any substantive statutory rights to victims of crime.

[22] In light of the above, I conclude that the legislature did not intend for s.2(1) of the *Victims Bill of Rights* to provide rights to the victims of crime. The *Act* is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime.

[23] As such, the Applicants submission that their statutory rights have been violated fails simply on the basis that there are no rights provided in the *Victims Bill of Rights* to be violated. Therefore, in respect of question (i), does s.2(1) of the *Victims Bill of Rights* provide statutory rights to the Applicants, the answer is no.

(ii) ***Were the Applicants' statutory rights violated by the actions of the Crown and police officers in the instant cases?***

[24] Even if s.2(1) of the *Victims Bill of Rights* did provide statutory rights, which I have found it clearly does not, there is an insufficient factual basis established upon which a decision in the Application could be made.

[25] The Applicants have identified numerous instances where they allege that the Crown Attorneys in the main criminal actions were derelict in observing the principles enunciated in s.2(1) of the *Victims Bill of Rights*. These allegations are supported solely by affidavits and documentation. The Crown has adduced evidence to the contrary, also by affidavit and documentation. Significant material facts are in dispute as between the Applicants and the Crown relating to how the Crown dealt with the victims in respect of the underlying offences, most specifically with respect to the degree and quality of the victims' involvement in the process.

[26] On the material issues, the evidence came by way of conflicting affidavits, the contents of which were at odds with each other. There was no *viva voce* evidence, nor was there any cross-examination on the affidavits. Clearly the admissible factual record is insufficient for this court to make specific findings of fact.

[27] In *R. v. Danson* (1990), 73 D.L.R. (4th) 686 (S.C.C.) at 695, Sopinka J. for the Supreme Court stated:

> This court has been vigilant to ensure that a proper factual foundation exists before measuring legislation against the provisions of the *Charter*, particularly where the effects of impugned legislation are the subject of the attack.

See also *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, (1996) 110 C.C.C. (3d) 193 (S.C.C.).

[28] While this issue relates to an alleged violation of statutory rights rather than *Charter* rights as was the case in *Danson, supra*, the underlying principle that there must be a factual basis to substantiate the application would nonetheless apply. In fact, it would run contrary to common sense to suggest otherwise. A court of competent jurisdiction cannot find that a person's statutory rights have been violated without there being some factual basis to which the court could refer. Thus, a factual foundation is of fundamental importance in this aspect of the application, and the absence of an established factual base is not just a technicality that can be overlooked, but rather it is a flaw that is fatal to the applicants' position: See *MacKay v. Manitoba* (1989), 61 D.L.R. (4th) 385 at 391-392.

[29] I therefore find that there is no factual basis upon which the Court could find violations of the Applicants' alleged statutory rights. Therefore, in respect of question (ii), were the Applicants statutory rights violated by the actions of the Crown and/or police officers in the instant case, the answer is no.

(iii) Does the exculpatory language of s.2(5) of the *Victims Bill of Rights* violate principle of fundamental justice that there should be no right without a remedy?

[30] The Applicants advance the position that the exculpatory language of s.2(5) of the Act, which expressly precludes any new cause of action or appeal arising from a breach of the "principles" enunciated in s.2(1), violates the

principle of fundamental justice that there should be no right without a remedy (ubi jus ibi remedium).

[31] The principle "no right without a remedy" is a principle of fundamental justice. Lord Holt first articulated this idea in *Ashby v. White*, [1703] 2 Ld. Raym. 938 at 954-955, and it has subsequently been followed or referred to at most every level of court in Canada: See for example *Nelles v. Ontario*, [1989] 2 S.C.R. 170 at 196; *Rahey v. The Queen* (1987), 33 C.C.C. (3d) 289 (S.C.C.) at 319; and *Prete v. The Queen in Right of Ontario* (1993), 16 O.R. (3d) 161 (C.A.) at 166.

[32] However, inasmuch as I have already found that there are no statutory rights conferred to victims by the *Victims Bill of Rights*, the principle of *ubi jus ibi remedium* is inapplicable here. The principle of "no right without a remedy" calls for there to be a right existent in the first place. Since it is the case that there are no rights provided in s.2(1) of the *Act*, only statements of principles, it cannot be said that the exculpatory language in s.2(5) of the *Act* denies a remedy to a violated right. To put it simply, there are no rights to be breached, so no remedy is required.

[33] I have also found that even if s.2(1) did provide rights to the victims of crime, there is an insufficient factual basis before this court upon which a finding can be made that the Applicants' rights had been violated. That being the case, this court cannot make any declaration concerning the constitutionality of s.2(5). Referring again to *MacKay, supra*, and *Danson, supra*, I reiterate that a court cannot find violations of *Charter* rights in the abstract. There must be a factual basis. In this case, for there to be a finding that s.2(5) violates the Applicants' s. 7 *Charter* rights, the Applicants would first have to show that their s.2(1) statutory rights had been violated. Since there are no such facts before this court, there can be no finding on the constitutionality of s.2(5).

(v) Has the right of a victim to be kept informed crystallized into a principle of fundamental justice thereby overriding s.2(5) of the *Victims Bill of Rights?*

[34] I am not at all convinced by the Applicant's arguments that a victim's right to be kept informed rises to the level of being constitutionally protected. The interpretation of 'psychological well-being' advanced is far beyond that which is acceptable to the courts: See *R. v. Morgentaler*, [1988] 1 S.C.R. 30 at 56-57, and *Rodriguez v. British Columbia* (1993), 85 C.C.C. (3d) 15 (S.C.C.) at 63. In *Rodriguez, supra*, which is the only case where it was held that state-imposed psychological stress could violate the s. 7 right to security of the person, Sopinka J., for the majority, wrote at p. 63:

> ...the judgments of this court in *Morgentaler* can be seen to encompass a notion of personal autonomy involving, at the very least, control over one's bodily integrity free from state interference and freedom from state-imposed psychological and emotional stress . . . personal autonomy, at least with respect to the right to make choices concerning one's own body, control over one's physical and psychological integrity, and basic human dignity are encompassed within security of the person, at least to the extent of freedom from criminal prohibitions which interfere with these.

[35] In both *Morgentaler* and *Rodriguez*, psychological well-being, as a component of the right to "security of the person", was precipitated only as a result of there being a legal prohibition which deprived a person of the control over his or her own mental integrity, and which could subject that person to criminal sanction if they breached that prohibition. That is clearly not the case here. Thus, in the context of this application, I can find no right to "security of the person" violated. It therefore matters not whether such would have been qualified or constrained in a manner consistent with the principles of fundamental justice.

[36] However, in the event that I am in error in respect of whether the Applicants "security of the person" rights were precipitated, I am of the view that

the right to be informed is not a principle of fundamental justice. The Supreme Court in *Rodriguez, supra* held at p. 78:

> Discerning the principles of fundamental justice with which the deprivation of life, liberty or security of the person must accord, in order to withstand constitutional scrutiny, is not an easy task. A mere common law rule does not suffice to constitute a principle of fundamental justice, rather, as the term implies, principles upon which there is some consensus that they are vital or fundamental to our societal notion of justice are required.

[37] In this case, if there is any consensus whatsoever, it is that victims "should" be treated with compassion and respect. By no stretch could this tepid statutory endorsement elevate a principle to the level of being a principle of fundamental justice. Could it be said that a victim's right to be informed is vital or fundamental to our societal notion of justice? I do not see the law going that far. It is a laudable idea, but it is not vital or fundamental in the manner of a principle such as the presumption of innocence or the right to counsel.

CONCLUSION

[38] When all is said and done however, it seems what was truly at issue in this case was the Applicants dissatisfaction with how the respective Crowns plea-bargained their cases. That being the case, it should be made clear that the Crown has complete discretion on these matters. The Supreme Court of Canada has held that the existence of prosecutorial discretion does not offend the principles of fundamental justice, but is "an essential feature of the criminal justice system.": See *R. v. Beare* (1988) 45 C.C.C. (3d) 57 (S.C.C.) at 76.

[39] What may seem cut and dry to an untrained person, especially one who is the victim of the crime, may in fact be a morass of evidentiary and procedural problems for the Crown Attorney. The decisions to plead down from murder to manslaughter or attempted murder to aggravated assault may seem absurd to the lay-person, but it can be a decision of profound tactical and moral import for a Crown who is responsible for the final decision.

[40] While the *Victims Bill of Rights* may be evidence that society is moving to a more compassionate and respectful treatment of victims of crime, there are no rights, either statutory or constitutional by reason of, or within the *Act* - nor did the legislature intend there to be.

[41] The *Act* articulates a number of principles, whose strength is limited not only by precatory language, but also by a myriad of other factors falling within the broad rubrics of availability of resources, reasonableness in the circumstances, consistency with the law and public interest, and the need to ensure a speedy resolution of the proceedings. Finally, even if there were an indefensible breach of these principles, the legislation expressly precludes any remedy for the alleged wrong. It is nothing more than a statement of governmental policy wrapped in the language of legislation. While the Applicants may be disappointed by the legislature's efforts, they have no claim before the courts because of it.

[42] The Application is therefore dismissed.

DAY J.

Released: May 13, 1999

News Release
Communiqué

Ontario

Ministry of Correctional Services **Ministère des Services correctionnels**

FOR IMMEDIATE RELEASE

FEDERAL LIBERAL PAROLE POLICIES VIOLATE COMMON SENSE

TORONTO, Ontario, October 6, 1999 — Ontario Correctional Services Minister Rob Sampson today expressed his serious concerns regarding the federal "fast-track" parole process, and the federal parole process in general

"First, the federal government secretly launched a quota plan designed to get more offenders out on parole. Now we hear that the federal Liberals have another program in place designed to release offenders into the community as quickly as possible, and the results have been higher re-offending rates," Mr. Sampson said.

"In their rush to empty their prisons, the feds are creating more victims of crime," the Minister added.

According to a recent National Parole Board report, accelerated parole reviews are available to some federal inmates. The report indicates that under a National Parole Board "fast-track" review, a single National Parole Board member makes a release decision based on the information in the file and never actually meets the offender.

In contrast, Ontario Parole Board members conduct in-person hearings with offenders in all cases using two members and they review police, court and correctional institution information when making decisions.

The Ontario Board of Parole is guided by the principle of public safety and encourages input from victims. The number of victims participating in the parole consideration process has increased significantly over the past two years.

"Under the Ontario parole system, public safety and the rights of law-abiding citizens come first. Offenders are sent the message that parole is a privilege to be earned, not a right," said Mr. Sampson.

Recent improvements to the Ontario parole process have had the effect of making it more difficult for those incarcerated in provincial correctional facilities to receive parole. Last year, the Ontario Board of Parole denied parole to 67 per cent of provincial offenders — compared with just 41 per cent five years earlier.

"We will also fight to change the federal 'discount' law that releases even the most serious offenders after they serve only two-thirds of their sentences," Mr. Sampson said.

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Ce document est aussi disponible en français.

Ontario

OFFICE CONSOLIDATION

Compensation for Victims of Crime Act

Revised Statutes of Ontario, 1990
Chapter C.24

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CODIFICATION ADMINISTRATIVE

Loi sur l'indemnisation des victimes d'actes criminels

Lois refondues de l'Ontario de 1990
Chapitre C.24

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CHAPTER C.24

Compensation for Victims of Crime Act

Definitions

1. In this Act,

"Board" means the Criminal Injuries Compensation Board; ("Commission")

"child" means a child born within or outside marriage, subject to sections 158 and 159 of the *Child and Family Services Act* (which relate to the effect of adoption), and includes a grandchild of the victim and a person whom the victim has demonstrated a settled intention to treat as a child of his or her family, and includes a child of the victim conceived before and born alive after the victim's death, but does not include a child placed in the home of the victim as a foster child for consideration by a person having lawful custody; ("enfant")

"dependant" means,

(a) the spouse of the victim,

(b) a parent of the victim, including a grandparent and a person who has demonstrated a settled intention to treat the victim as a child of his or her family, but does not include a person in whose home the victim was placed as a foster child for consideration by a person having lawful custody,

(c) a child of the victim,

(d) a brother or sister of the victim, and

(e) any other relative of the victim,

who was in whole or in part dependent on the victim for support at the time of his or her death; ("personne à charge")

"injury" means actual bodily harm and includes pregnancy and mental or nervous shock and "injured" has a corresponding meaning; ("lésion")

"Minister" means the Attorney General; ("ministre")

"peace officer" means a peace officer as defined in the *Criminal Code* (Canada); ("agent de la paix")

"spouse" means,

CHAPITRE C.24

Loi sur l'indemnisation des victimes d'actes criminels

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«agent de la paix» Agent de la paix au sens du *Code criminel* (Canada). («peace officer»)

«Commission» La Commission d'indemnisation des victimes d'actes criminels. («Board»)

«conjoint» S'entend des personnes suivantes :

a) la personne qui, au moment du décès de la victime défunte, était mariée avec elle,

b) la personne du sexe opposé qui, au moment du décès de la victime défunte, vivait avec cette dernière dans une union conjugale hors du mariage,

c) la personne dont le mariage avec la victime défunte a été dissous par un jugement irrévocable de divorce ou a été déclaré nul et à qui la victime défunte, au moment de son décès, fournissait des aliments ou avait une obligation légale d'en fournir. («spouse»)

«enfant» Enfant de la victime, y compris l'enfant né hors mariage, sous réserve des articles 158 et 159 de la *Loi sur les services à l'enfance et à la famille* (qui portent sur les conséquences de l'adoption). S'entend en outre d'un petit-fils ou d'une petite-fille de la victime, d'une personne dont la victime a manifesté l'intention bien arrêtée de la traiter comme s'il s'agissait d'un enfant de sa famille, ainsi que de l'enfant conçu du vivant de la victime et né viable après le décès de celle-ci. Est toutefois exclu l'enfant placé, moyennant rétribution, en famille d'accueil chez la victime par la personne qui en a la garde légitime. («child»)

«lésion» Lésion corporelle réelle. S'entend en outre de la grossesse, d'un choc nerveux et de souffrances morales. Le terme «blessé» a un sens correspondant. («injury»)

«ministre» Le procureur général. («Minister»)

(a) a person who was married to the deceased victim immediately before the deceased victim's death,

(b) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or

(c) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person; ("conjoint")

"victim" means a person injured or killed in the circumstances set out in section 5. ("victime") R.S.O. 1980, c. 82, s. 1 (1); 1986, c. 64, s. 5 (1).

Administration of Act

2. The Minister is responsible for the administration of this Act. R.S.O. 1980, c. 82, s. 2.

Criminal Injuries Compensation Board

3.—(1) The Criminal Injuries Compensation Board is continued and shall be composed of such number of members, not fewer than five, as are appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chair and one or more of them as vice-chairs.

Board a corporation

(2) The Board is a corporation to which the *Corporations Act* does not apply.

Duties of chair

(3) The chair shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Substitute chair

(4) The chair may designate a vice-chair who shall exercise the powers and perform the duties of the chair when the chair is absent or unable to act. R.S.O. 1980, c. 82, s. 3.

Publishing reports

4. The Board shall prepare and periodically publish a summary of its decisions and the reasons therefor. R.S.O. 1980, c. 82, s. 4.

Injuries compensable

5. Where any person is injured or killed by any act or omission in Ontario of any other person occurring in or resulting from,

«personne à charge» Personne qui dépendait, en totalité ou en partie, des aliments fournis par la victime au moment de son décès, soit :

a) le conjoint de la victime,

b) le père ou la mère de la victime, y compris le grand-père ou la grand-mère, et la personne qui a manifesté l'intention bien arrêtée de traiter la victime comme s'il s'agissait d'un enfant de sa famille, à l'exclusion de la personne qui a accueilli en famille d'accueil, moyennant rétribution, la victime qui y était placée par la personne qui en a la garde légitime,

c) un enfant de la victime,

d) un frère ou une soeur de la victime,

e) un autre parent de la victime. («dependant»)

«victime» Personne blessée ou tuée dans les circonstances visées à l'article 5. («victim») L.R.O. 1980, chap. 82, par. 1 (1); 1986, chap. 64, par. 5 (1).

Application de la loi

2 Le ministre est chargé de l'application de la présente loi. L.R.O. 1980, chap. 82, art. 2.

Commission d'indemnisation des victimes d'actes criminels

3 (1) La Commission d'indemnisation des victimes d'actes criminels continue d'exister et se compose d'au moins cinq membres nommés par le lieutenant-gouverneur en conseil. Ce dernier nomme, parmi ces membres, un président et un ou plusieurs vice-présidents.

La Commission est une personne morale

(2) La Commission est une personne morale à laquelle ne s'applique pas la *Loi sur les personnes morales*.

Fonctions du président

(3) Le président a la surveillance générale et la direction des affaires de la Commission. Il veille à l'organisation des séances de la Commission et désigne ceux de ses membres qui président des audiences selon les circonstances.

Président suppléant

(4) Le président peut désigner un vice-président pour assumer les fonctions du président en cas d'absence ou d'empêchement de celui-ci. L.R.O. 1980, chap. 82, art. 3.

Publication des rapports

4 La Commission prépare et publie périodiquement un résumé de ses décisions accompagné des motifs. L.R.O. 1980, chap. 82, art. 4.

Lésion indemnisable

5 Si une personne est blessée ou tuée en Ontario à la suite d'un acte accompli ou d'une omission commise par une autre personne et que l'acte ou l'omission se produit pendant l'accomplissement de l'un des actes suivants ou en résulte :

(a) the commission of a crime of violence constituting an offence against the *Criminal Code* (Canada), including poisoning, arson, criminal negligence and an offence under section 86 of that Act but not including an offence involving the use or operation of a motor vehicle other than assault by means of a motor vehicle;

(b) lawfully arresting or attempting to arrest an offender or suspected offender for an offence against a person other than the applicant or his or her dependant or against such person's property, or assisting a peace officer in executing his or her law enforcement duties; or

(c) preventing or attempting to prevent the commission of an offence or suspected offence against a person other than the applicant or his or her dependant or against such person's property,

the Board, on application therefor, may make an order that it, in its discretion exercised in accordance with this Act, considers proper for the payment of compensation to,

(d) the victim;

(e) a person who is responsible for the support of the victim;

(f) where the death of the victim has resulted, the victim's dependants or any of them or the person who was responsible for the support of the victim immediately before his or her death or who has, on behalf of the victim or his or her estate and not being required by law to do so, incurred an expense referred to in clause 7 (1) (a) or (e) arising from the act or omission. R.S.O. 1980, c. 82, s. 5.

Limitation period for application

6. An application for compensation shall be made within one year after the date of the injury or death but the Board, before or after the expiry of the one-year period, may extend the time for such further period as it considers warranted. R.S.O. 1980, c. 82, s. 6.

Compensation

7.—(1) Compensation may be awarded for,

(a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death;

(b) pecuniary loss incurred by the victim as a result of total or partial disability affecting the victim's capacity for work;

a) la perpétration d'un acte de violence criminel à l'encontre du *Code criminel* (Canada), y compris l'empoisonnement, le crime d'incendie, la négligence criminelle et l'infraction prévue à l'article 86 du Code, à l'exclusion d'une infraction impliquant l'utilisation ou la conduite d'un véhicule automobile qui ne constitue pas des voies de fait commises à l'aide de ce véhicule;

b) l'arrestation légitime ou la tentative légitime d'arrestation de l'auteur réel ou soupçonné d'une infraction commise contre une personne autre que le requérant ou la personne à sa charge, ou contre les biens de cette personne, ou l'aide apportée à un agent de la paix dans l'exercice de ses fonctions d'exécution de la loi;

c) la prévention ou la tentative de prévention de la perpétration d'une infraction, réelle ou soupçonnée, contre une personne autre que le requérant ou la personne à sa charge, ou contre les biens de cette personne,

la Commission peut, sur requête et dans l'exercice des pouvoirs discrétionnaires que la présente loi lui reconnaît, rendre l'ordonnance qu'elle estime opportune pour le versement d'une indemnité :

d) à la victime;

e) à la personne tenue de fournir des aliments à la victime;

f) lorsque le décès de la victime résulte de l'acte ou de l'omission, à la personne à sa charge, ou à la personne tenue de fournir des aliments à la victime au moment de son décès, ou à celle qui, pour le compte de la victime ou de sa succession, sans que la loi ne l'y oblige, a engagé les dépenses visées à l'alinéa 7 (1) a) ou e), si ces dépenses résultent de l'acte ou de l'omission. L.R.O. 1980, chap. 82, art. 5.

Délai de prescription

6 La requête en indemnisation doit être présentée dans l'année qui suit la date de la lésion ou du décès. La Commission peut toutefois, avant ou après l'expiration de cette période d'un an, proroger le délai d'une durée qu'elle juge justifiée. L.R.O. 1980, chap. 82, art. 6.

Indemnité

7 (1) L'indemnité peut être accordée pour l'un des motifs suivants :

a) les dépenses raisonnablement et réellement engagées ou à prévoir du fait de la lésion ou du décès de la victime;

b) la perte pécuniaire subie par la victime du fait d'une invalidité totale ou partielle qui nuit à sa capacité de travail;

(c) pecuniary loss incurred by dependants as a result of the victim's death;

(d) pain and suffering;

(e) support of a child born as a result of rape;

(f) other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

Idem

(2) Where the injury to a person occurred in the circumstances mentioned in clause 5 (b) or (c), the Board may, in addition to the compensation referred to in subsection (1), award compensation to the injured person for any other damage resulting from the injury for which damages may be recovered at common law. R.S.O. 1980, c. 82, s. 7.

Referral for hearing

8. Where an application is made under section 5, the chair of the Board shall refer the application,

(a) to the Board for a hearing conducted by at least two members of the Board; or

(b) to one member of the Board for a hearing,

as the chair may direct. R.S.O. 1980, c. 82, s. 8.

Notice of hearing by one member of Board

9.—(1) The Board or member to whom an application is referred under section 8 shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, upon the Minister, upon the offender where practicable and upon any other person appearing to the Board or member to have an interest in the application.

Parties

(2) Every person upon whom notice of a hearing is served and any other person added by the Board or member is a party to the proceeding.

Jurisdiction of member

(3) The Board or member shall hold the hearing and make an order under section 5, and, subject to section 10, this Act applies in respect of the hearing and jurisdiction of the member in the same manner as to the Board. R.S.O. 1980, c. 82, s. 9.

Hearing and review by Board

10.—(1) Where an application is heard by a single member of the Board under section 9, the applicant or the Minister may, within fifteen days after service of the decision of the member, require a hearing and review by the Board and the Board shall fix a time and place for the hearing and shall at least ten days before the day fixed cause notice

c) la perte pécuniaire subie par les personnes à charge de la victime du fait de son décès;

d) la douleur et les souffrances;

e) les aliments fournis à un enfant né par suite d'un viol;

f) une autre perte pécuniaire subie du fait de la lésion de la victime et les dépenses qui, de l'avis de la Commission, peuvent être raisonnablement engagées.

Idem

(2) Si la personne a été blessée dans les circonstances visées à l'alinéa 5 b) ou c), la Commission peut, outre l'indemnité prévue au paragraphe (1), lui accorder une indemnité pour un autre préjudice résultant d'une lésion pour laquelle des dommages-intérêts peuvent être recouvrés en common law. L.R.O. 1980, chap. 82, art. 7.

Renvoi

8 Si la requête est faite en vertu de l'article 5, le président de la Commission la renvoie, selon le cas :

a) à la Commission, dont deux membres, au moins, tiennent une audience;

b) à un seul membre de la Commission qui tient une audience. L.R.O. 1980, chap. 82, art. 8.

Avis de convocation à l'audience

9 (1) La Commission ou le membre à qui une requête a été renvoyée en vertu de l'article 8 fixe le lieu et la date de l'audition de la requête. Au moins dix jours avant la date ainsi fixée, la Commission ou le membre fait signifier un avis de l'audience au requérant, au ministre, à l'auteur de l'infraction si cela est possible, ainsi qu'aux autres personnes qui, de l'avis de la Commission ou du membre, peuvent être intéressées.

Parties à l'instance

(2) Sont parties à l'instance, les personnes à qui est signifié un avis de l'audience et celles que la Commission ou le membre a ajoutées.

Compétence du membre

(3) La Commission ou le membre tient l'audience et rend une ordonnance en vertu de l'article 5. Sous réserve de l'article 10, la présente loi s'applique à l'égard de l'audience et de la compétence du membre de la même façon qu'à la Commission. L.R.O. 1980, chap. 82, art. 9.

Audience et révision par la Commission

10 (1) Si, en application de l'article 9, la requête est entendue par un seul membre, le requérant ou le ministre, dans les quinze jours de la signification de la décision du membre, peut demander à la Commission une audience et la révision de la décision. La Commission fixe le lieu et la date de l'audience et en fait signifier un avis aux parties thereof to be served upon the parties to the proceeding.

Adding parties

(2) The Board may add persons as parties to the proceeding during a review under this section.

Quorum

(3) The hearing shall be conducted and the jurisdiction of the Board shall be exercised by at least two members of the Board and the member whose decision is being reviewed shall not sit on the review.

Order of Board

(4) After a hearing and review by the Board under this section, the Board shall make its order in accordance with this Act and its order supersedes the order of a single member made under section 9 that is the subject of the hearing and review. R.S.O. 1980, c. 82, s. 10.

Conviction as conclusive evidence

11. If a person is convicted of a criminal offence in respect of an act or omission on which a claim under this Act is based, proof of the conviction shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken as conclusive evidence that the offence has been committed. R.S.O. 1980, c. 82, s. 11.

Hearings to be open to public; exceptions

12. All hearings shall be held in public except where, in the opinion of the Board, it is necessary to hold a hearing that is closed to the public for the reason that a public hearing,

(a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

(b) would not be in the interests of the victim, or of the dependants of the victim, of an alleged sexual offence or child abuse. R.S.O. 1980, c. 82, s. 12; 1986, c. 37, s. 1.

Publication of evidence

13.—(1) The Board may make an order prohibiting the publication of any report or account of the whole or any part of the evidence at a hearing where the Board considers it necessary but in making an order under this subsection the Board shall have regard to the desirability of permitting the public to be informed of the principles and nature of each case. R.S.O. 1980, c. 82, s. 13 (1).

Offence

(2) Any person who publishes a report or account of any evidence at a hearing contrary to an order of the Board under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than

à l'instance au moins dix jours avant la date ainsi fixée.

Autres parties à l'instance

(2) La Commission peut ajouter d'autres parties à une instance faisant l'objet d'une révision en vertu du présent article.

Quorum

(3) L'audience est tenue et la compétence de la Commission est exercée par au moins deux de ses membres. Le membre dont la décision fait l'objet de la révision ne siège pas.

Ordonnance de la Commission

(4) Après que la Commission a tenu l'audience et procédé à la révision en vertu du présent article, elle rend conformément à la présente loi une ordonnance qui remplace celle qu'un membre a rendue en vertu de l'article 9. L.R.O. 1980, chap. 82, art. 10.

Déclaration de culpabilité tenue pour preuve concluante

11 Si une personne est déclarée coupable d'une infraction criminelle à la suite d'un acte ou d'une omission sur quoi se fonde une demande d'indemnisation en vertu de la présente loi, la preuve de la déclaration de culpabilité est tenue pour preuve concluante que l'infraction a été commise après l'expiration du délai d'appel ou, s'il y a eu un appel, après qu'il a été rejeté et qu'il n'y a plus de recours possible. L.R.O. 1980, chap. 82, art. 11.

Audiences publiques, exceptions

12 Les audiences sont publiques, sauf si la Commission estime nécessaire de siéger à huis clos du fait qu'une audience publique :

a) serait préjudiciable au règlement définitif des poursuites criminelles intentées contre l'auteur de l'acte ou de l'omission qui a entraîné la lésion ou le décès de la victime;

b) serait contraire aux intérêts de la victime ou des personnes à sa charge, lorsque l'auteur de l'acte ou de l'omission est accusé d'une infraction d'ordre sexuel ou de mauvais traitements envers un enfant. L.R.O. 1980, chap. 82, art. 12; 1986, chap. 37, art. 1.

Publication de la preuve

13 (1) La Commission, si elle l'estime nécessaire, peut rendre une ordonnance interdisant la publication d'un rapport ou d'un exposé de l'ensemble ou d'une partie de la preuve présentée à l'audience. Toutefois, la Commission tient compte de l'opportunité de permettre que le public soit informé des principes et de la nature de chaque cause. L.R.O. 1980, chap. 82, par. 13 (1).

Infraction

(2) Quiconque publie un rapport ou un exposé de tout ou partie de la preuve présentée à l'audience contrairement à une ordonnance de la Commission rendue en vertu du paragraphe (1), est coupable d'une infraction et passible, sur déclaration de culpabilité,

one year, or to both. R.S.O. 1980, c. 82, s. 13 (2); 1989, c. 72, s. 18, *part*.

Corporations

(3) Where a corporation is convicted of an offence under subsection (2), the maximum penalty that may be imposed upon the corporation is $50,000 and not as provided therein. R.S.O. 1980, c. 82, s. 13 (3); 1989, c. 72, s. 18, *part*.

Interim compensation

14. Where,

(a) the applicant is in actual financial need; and

(b) it appears to the Board that it will probably award compensation to the applicant,

the Board may, in its discretion, order interim payments to the applicant in respect of support, medical expenses and funeral expenses and, if compensation is not awarded, the amount so paid is not recoverable from the applicant. R.S.O. 1980, c. 82, s. 14; 1986, c. 37, s. 2.

Service

15.—(1) Any notice or document required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is required to be made at the latest address for service appearing on the records of the Board.

Idem

(2) Where any notice or document mentioned in subsection (1) is served by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person to be served did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or document or receive it until a later date.

Exception

(3) Despite subsections (1) and (2), the Board may order any other method of service of any notice or document mentioned in subsection (1). R.S.O. 1980, c. 82, s. 15.

Compensation not dependent on a conviction

16.—(1) An order for compensation may be made whether or not any person is prosecuted for or convicted of the offence giving rise to the injury or death but the Board may, on its own initiative or upon the application of the Minister, adjourn its proceedings pending the final determination of a prosecution or intended prosecution.

Capacity for criminal intent

(2) Even though a person for any reason is legally incapable of forming criminal intent, the person shall, for the purposes of this Act, be deemed to have intended an act

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d'une amende d'au plus 5 000 $ et d'un emprisonnement d'au plus un an, ou d'une seule de ces peines. L.R.O. 1980, chap. 82, par. 13 (2); 1989, chap. 72, art. 18, *en partie*.

Personne morale

(3) Si une personne morale est déclarée coupable d'une infraction visée au paragraphe (2), elle est passible d'une peine maximale de 50 000 $ et non de la peine prévue à ce paragraphe. L.R.O. 1980, chap. 82, par. 13 (3); 1989, chap. 72, art. 18, *en partie*.

Indemnité provisoire

14 La Commission peut, à sa discrétion, ordonner que soient versés des paiements provisoires au requérant à titre d'aliments, de frais médicaux et de frais funéraires, si :

a) d'une part, il éprouve de réelles difficultés financières;

b) d'autre part, la Commission estime qu'elle lui accordera probablement une indemnité.

Si l'indemnité n'est pas accordée, les montants versés ne sont pas recouvrables du requérant. L.R.O. 1980, chap. 82, art. 14; 1986, chap. 37, art. 2.

Signification

15 (1) L'avis ou le document dont la présente loi ou les règlements exigent la signification est valablement signifié à personne ou envoyé par courrier recommandé au destinataire à son dernier domicile élu mentionné dans les dossiers de la Commission.

Idem

(2) Si la signification de l'avis ou du document visé au paragraphe (1) est faite par courrier recommandé, elle est réputée faite le troisième jour qui suit la date de la mise à la poste, à moins que le destinataire, agissant de bonne foi, n'ait pas reçu cet avis ou ce document, ou qu'il ne l'ait reçu à une date ultérieure à la suite d'absence, d'accident, de maladie ou d'un autre motif indépendant de sa volonté.

Exception

(3) Malgré les paragraphes (1) et (2), la Commission peut, par ordonnance, imposer un autre moyen de signification de l'avis ou du document mentionné au paragraphe (1). L.R.O. 1980, chap. 82, art. 15.

L'indemnité n'est pas liée à la déclaration de culpabilité

16 (1) L'ordonnance d'indemnisation peut être rendue qu'une personne soit ou non poursuivie ou déclarée coupable de l'infraction qui a causé la lésion ou le décès. Toutefois, la Commission, de sa propre initiative ou sur la requête du ministre, peut ajourner ses travaux en attendant le résultat définitif d'une poursuite intentée ou prévue.

Intention criminelle

(2) Même si une personne est juridiquement incapable de former une intention criminelle, elle est, pour l'application de la présente loi, réputée avoir eu l'intention de

or omission that caused injury or death for which compensation is payable under this Act. R.S.O. 1980, c. 82, s. 16.

Considerations of Board

17.—(1) In determining whether to make an order for compensation and the amount thereof, the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his or her injury or death. R.S.O. 1980, c. 82, s. 17 (1).

Idem

(2) The Board may, in its discretion, refuse to make an order for compensation or order a reduced amount of compensation where it is satisfied that the applicant has refused reasonable co-operation with, or failed to report promptly the offence to, a law enforcement agency. R.S.O. 1980, c. 82, s. 17 (2); 1986, c. 37, s. 3 (1).

Idem

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. 1986, c. 37, s. 3 (2).

Form of compensation

18. The Board may order compensation to be paid in a lump sum or in periodic payments, or both, as the Board thinks fit. R.S.O. 1980, c. 82, s. 18.

Maximum awards

19.—(1) The amount awarded by the Board to be paid in respect of the injury or death of one victim shall not exceed,

(a) in the case of lump sum payments, $25,000; and

(b) in the case of periodic payments, $1,000 per month,

and where both lump sum and periodic payments are awarded, the lump sum shall not exceed half of the maximum therefor prescribed in clause (a). R.S.O. 1980, c. 82, s. 19 (1); 1986, c. 37, s. 4 (1, 2).

Maximum total of payments for occurrence

(2) The total amount awarded by the Board to be paid to all applicants in respect of any one occurrence shall not exceed,

(a) in the case of lump sum payments, a total of $150,000; and

(b) in the case of periodic payments, a total of $250,000. R.S.O. 1980, c. 82, s. 19 (2); 1986, c. 37, s. 4 (3, 4).

Proportional distribution

(3) Where the total amount awarded in respect of any one occurrence exceeds the maximum amount prescribed by subsection (2), the amount prescribed shall be distributed in proportion to the amounts of the

commettre l'acte ou l'omission qui a causé la lésion ou le décès donnant lieu à l'indemnisation. L.R.O. 1980, chap. 82, art. 16.

Considérations de la Commission

17 (1) Lorsque la Commission étudie l'opportunité de rendre l'ordonnance d'indemnisation et d'en fixer le montant, elle tient compte de toutes les circonstances pertinentes, y compris le comportement de la victime susceptible d'avoir contribué, directement ou indirectement, à la lésion ou au décès. L.R.O. 1980, chap. 82, par. 17 (1).

Idem

(2) La Commission peut, à sa discrétion, refuser de rendre l'ordonnance d'indemnisation ou ordonner une réduction du montant de l'indemnité si elle est convaincue que le requérant a refusé de coopérer suffisamment avec un organisme chargé de l'exécution de la loi ou ne lui a pas signalé promptement l'infraction. L.R.O. 1980, chap. 82, par. 17 (2); 1986, chap. 37, par. 3 (1).

Idem

(3) La Commission, lorsqu'elle évalue le montant de l'indemnité, tient compte de toute prestation, rétribution ou indemnité versée ou due au requérant par source quelconque autre que l'aide sociale générale ou les prestations familiales. 1986, chap. 37, par. 3 (2).

Modalités de paiement

18 La Commission, selon ce qu'elle estime opportun, peut ordonner le paiement de l'indemnité sous la forme d'un montant forfaitaire ou de versements périodiques, ou des deux. L.R.O. 1980, chap. 82, art. 18.

Maximum de l'indemnité

19 (1) Le montant accordé par la Commission par suite de la lésion ou du décès d'une seule victime ne doit pas dépasser :

a) 25 000 $ dans le cas d'un montant forfaitaire;

b) 1 000 $ par mois dans le cas de versements périodiques.

Si la Commission accorde à la fois un montant forfaitaire et des versements périodiques, le montant forfaitaire ne doit pas dépasser la moitié du maximum prévu à l'alinéa a). L.R.O. 1980, chap. 82, par. 19 (1); 1986, chap. 37, par. 4 (1) et (2).

Montant total de l'indemnité pour un seul événement

(2) Le montant total accordé par la Commission à tous les requérants par suite d'un seul événement ne doit pas dépasser :

a) 150 000 $ au total dans le cas des montants forfaitaires;

b) 250 000 $ au total dans le cas de versements périodiques. L.R.O. 1980, chap. 82, par. 19 (2); 1986, chap. 37, par. 4 (3) et (4).

Distribution proportionnelle

(3) Si le montant total accordé par la Commission par suite d'un seul événement dépasse le maximum prescrit au paragraphe (2), ce maximum est réparti proportionnelle-

awards that would otherwise have been made.

Acts deemed an occurrence

(4) For the purposes of this section, the Board may deem more than one act to be one occurrence where the acts have a common relationship in time and place.

Application of subss. (1) and (2)

(5) Subsection (1) does not apply to amounts awarded in respect of an injury or death incurred under clause 5 (b) or (c) and such amounts shall not be taken into account for the purposes of subsection (2). R.S.O. 1980, c. 82, s. 19 (3-5).

Award not subject to garnishment, etc.

20. Any money paid or payable by way of compensation under this Act or held by the Public Trustee or other person under an order made by the Board under subsection 21 (3) is not subject to garnishment, attachment, execution, set-off or any other legal process and the right thereto is not assignable. R.S.O. 1980, c. 82, s. 20.

Conditions of payment

21.—(1) An order for the payment of compensation may be made subject to such terms and conditions as the Board thinks fit,

(a) with respect to the payment, disposition, allotment or apportionment of the compensation; or

(b) as to the holding of the compensation or any part thereof in trust for the victim or the dependants, or any of them, whether as a fund for a class or otherwise.

Idem

(2) Any compensation payable for expenses under section 7 may, in the discretion of the Board, be paid directly to the person entitled thereto.

Payments in case of minor, etc.

(3) If a person entitled to an award under this Act is under the age of eighteen years or is of unsound mind or in the opinion of the Board is incapable of managing his or her own affairs, any amount payable may be paid on his or her behalf to his or her parent, spouse or committee or to the Public Trustee or may be paid to such other person or applied in such manner as the Board considers in the best interest of such person, and amounts so paid shall be received and administered by the payee for the benefit of the person. R.S.O. 1980, c. 82, s. 21.

Costs

22. Despite section 19, the Board may, with respect to any hearing or other step in a proceeding under this Act, make such order as to costs as it thinks fit. R.S.O. 1980, c. 82, s. 22.

ment aux montants qui auraient été accordés autrement.

Faits considérés comme un seul événement

(4) Pour l'application du présent article, la Commission peut décider que plusieurs faits ne constituent qu'un seul événement s'il y a entre eux un rapport de temps et de lieu.

Champ d'application des par. (1) et (2)

(5) Le paragraphe (1) ne s'applique pas aux montants accordés à l'égard d'une lésion ou d'un décès survenus dans les circonstances prévues à l'alinéa 5 b) ou c). Il n'est pas tenu compte de ces montants pour l'application du paragraphe (2). L.R.O. 1980, chap. 82, par. 19 (3) à (5).

L'indemnité ne peut faire l'objet d'une saisie-arrêt, d'autres procédures judiciaires

20 Les sommes d'argent versées ou dues à titre d'indemnité en vertu de la présente loi ou que détient le curateur public ou une autre personne aux termes d'une ordonnance rendue par la Commission en vertu du paragraphe 21 (3) ne peuvent faire l'objet d'une saisie-arrêt, saisie-exécution, exécution, compensation ou autre procédure judiciaire. Le droit à ces sommes est incessible. L.R.O. 1980, chap. 82, art. 20.

Conditions de versement

21 (1) L'ordonnance de versement de l'indemnité peut être assortie des conditions que la Commission estime opportunes et qui concernent :

a) son paiement, sa disposition, son attribution ou sa répartition;

b) son dépôt en fiducie, en totalité ou en partie, pour le compte de la victime ou des personnes à sa charge, que ce fonds soit constitué pour un groupe de personnes ou pour un autre usage.

Idem

(2) La Commission peut, si elle l'estime opportun, verser directement au bénéficiaire l'indemnité pour dépenses prévue à l'article 7.

Versements faits aux mineurs, aux incapables

(3) Si le bénéficiaire de l'indemnité est âgé de moins de dix-huit ans, est faible d'esprit ou, que de l'avis de la Commission, il est incapable de gérer ses propres affaires, le versement auquel il a droit peut être fait, en sa faveur, à son père ou sa mère, son conjoint, le curateur à sa personne ou à ses biens ou au curateur public. En outre, le versement peut être fait à une autre personne ou l'indemnité utilisée de la façon que la Commission estime être dans l'intérêt véritable du bénéficiaire. Les montants ainsi versés sont perçus par le preneur, qui les administre au profit du bénéficiaire. L.R.O. 1980, chap. 82, art. 21.

Dépens

22 Malgré l'article 19, la Commission peut, relativement à une audience ou à une autre mesure prise dans une instance tenue en vertu de la présente loi, rendre l'ordonnance qu'elle estime opportune à l'égard des dépens. L.R.O. 1980, chap. 82, art. 22.

Appeal

23. Subject to section 25, a decision of the Board is final except that an appeal lies to the Divisional Court from any decision of the Board on any question of law. R.S.O. 1980, c. 82, s. 23.

Release of exhibits

24. The Board shall, upon request, release documents and things put in evidence at a hearing to the lawful owner or the person entitled to possession thereof within a reasonable time after the matter in issue has been finally determined. R.S.O. 1980, c. 82, s. 24.

Variation of award

25.—(1) The Board may at any time on its own initiative or on the application of the victim, any dependant of the victim, the Minister or the offender, vary an order for payment of compensation in such manner as the Board thinks fit, whether as to terms of the order or by increasing or decreasing the amount ordered to be paid, or otherwise.

Idem

(2) In a proceeding under subsection (1), the Board shall consider,

(a) any new evidence that has become available;

(b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur; and

(c) any other matter the Board considers relevant.

Procedure, etc., on review

(3) This Act, except section 6, applies to a review under subsection (1) in the same manner as to an application for compensation. R.S.O. 1980, c. 82, s. 25.

Civil proceedings

26.—(1) Subject to subsections (2), (4) and (5), nothing in this Act affects the right of any person to recover from any other person by civil proceedings damages in respect of the injury or death.

Subrogation

(2) The Board is subrogated to all the rights of the person to whom payment is made under this Act to recover damages by civil proceedings in respect of the injury or death and may maintain an action in the name of such person against any person against whom such action lies, and any amount recovered by the Board shall be applied,

(a) first, to payment of the costs actually incurred in the action and in levying execution; and

(b) second, to reimbursement of the Board for the value of the compensation awarded,

Appel

23 Sous réserve de l'article 25, la décision de la Commission est définitive. Toutefois, un appel peut être interjeté devant la Cour divisionnaire concernant une question de droit. L.R.O. 1980, chap. 82, art. 23.

Remise des pièces

24 Après le règlement définitif du litige, la Commission remet, sur demande et dans un délai raisonnable, au propriétaire légitime ou à la personne qui y a droit, les documents et objets présentés en preuve à l'audience. L.R.O. 1980, chap. 82, art. 24.

Modification de l'ordonnance d'indemnisation

25 (1) À la requête de la victime, d'une personne à sa charge, du ministre, de l'auteur de l'infraction ou de sa propre initiative, la Commission peut en tout temps modifier une ordonnance de versement d'indemnité de la façon qu'elle estime opportune, qu'il s'agisse des conditions de l'ordonnance, d'une augmentation ou d'une diminution du montant accordé ou d'autre chose.

Idem

(2) Lors d'une instance introduite en vertu du paragraphe (1), la Commission tient compte :

a) d'une nouvelle preuve qui lui est soumise;

b) d'un changement de circonstances survenu depuis que l'ordonnance a été rendue ou modifiée, selon le cas, ou qui surviendra vraisemblablement;

c) d'autres questions qu'elle estime pertinentes.

Procédure à suivre lors d'une révision

(3) La présente loi, à l'exception de l'article 6, s'applique à la révision faite en vertu du paragraphe (1) de la même manière qu'à une requête en indemnisation. L.R.O. 1980, chap. 82, art. 25.

Instance civile

26 (1) Sous réserve des paragraphes (2), (4) et (5), la présente loi n'a pas pour effet de porter atteinte au droit de quiconque de recouvrer de toute autre personne, au moyen d'une instance civile, des dommages-intérêts par suite de la lésion ou du décès.

Subrogation

(2) La Commission est subrogée aux droits du bénéficiaire du paiement fait en vertu de la présente loi, de recouvrer, au moyen d'une instance civile, des dommages-intérêts à l'égard de la lésion ou du décès. La Commission peut ester en justice au nom du bénéficiaire contre n'importe quel défendeur. Les montants recouvrés par la Commission servent :

a) d'abord, à payer les frais réellement engagés dans l'action et pour obtenir la saisie-exécution;

b) ensuite, à rembourser la Commission de l'indemnité accordée.

Le reliquat du montant, le cas échéant, est versé à la personne dont les droits ont été and the balance, if any, shall be paid to the person whose rights were subrogated. R.S.O. 1980, c. 82, s. 26 (1, 2).

Idem

(3) The Board may elect to limit the amount for which it is subrogated to the amount of compensation that it has paid in respect of the person whose rights were subrogated by limiting its claim to the amount so paid and, where it so elects, may maintain the action in the name of the Minister. 1986, c. 37, s. 5 (1).

Settlement

(4) Any settlement or release does not bar the rights of the Board under subsection (2) unless the Board has concurred therein.

Civil actions

(5) An applicant for or a person awarded compensation shall forthwith notify the Board of any action brought against the offender who caused the injury or death of the victim. R.S.O. 1980, c. 82, s. 26 (3, 4).

Person to assist

(6) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim. 1986, c. 37, s. 5 (2).

Payment of compensation

27.—(1) Compensation ordered to be paid shall be paid out of the money appropriated therefor by the Legislature.

Disposition of money recovered

(2) Any reimbursement to the Board under section 26 shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 82, s. 27.

Regulations

28. The Lieutenant Governor in Council may make regulations,

(a) prescribing rules of practice and procedure in respect of applications to the Board and proceedings of the Board;

(b) requiring the payment of fees in respect of any matter in the jurisdiction of the Board, including witness fees, and prescribing the amounts thereof;

(c) prescribing forms for the purposes of this Act and providing for their use;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1980, c. 82, s. 28.

Agreements with Canada

29. The Crown in right of Ontario represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada respecting the payment by Canada to

subrogés. L.R.O. 1980, chap. 82, par. 26 (1) et (2).

Idem

(3) La Commission peut choisir de limiter le montant de la subrogation ainsi que de sa demande à celui de l'indemnisation qu'elle a effectivement versée à la personne dont les droits ont été subrogés. Elle peut, dans ce cas, ester en justice au nom du ministre. 1986, chap. 37, par. 5 (1).

Transaction ou renonciation

(4) Une transaction ou une renonciation ne mettent pas fin aux droits de la Commission prévus par le paragraphe (2), sauf si elle les a approuvés.

Action civile

(5) Le requérant ou le bénéficiaire d'une indemnité avise sans délai la Commission de l'action qu'il a intentée contre l'auteur de l'infraction qui a causé la lésion ou le décès de la victime. L.R.O. 1980, chap. 82, par. 26 (3) et (4).

Aide apportée par le bénéficiaire

(6) Le bénéficiaire d'une indemnité fournit à la Commission les renseignements et la coopération qu'il peut apporter afin d'aider la Commission dans l'exercice d'une action en dommages-intérêts visée au présent article contre l'auteur de l'infraction qui a causé la lésion ou le décès de la victime. 1986, chap. 37, par. 5 (2).

Versement de l'indemnité

27 (1) L'indemnité versée est prélevée sur les sommes affectées à cette fin par la Législature.

Affectation des fonds recouvrés

(2) Le remboursement fait à la Commission en vertu de l'article 26 est versé au Trésor. L.R.O. 1980, chap. 82, art. 27.

Règlements

28 Le lieutenant-gouverneur en conseil peut, par règlement :

a) prescrire les règles de pratique et de procédure relatives aux requêtes faites à la Commission et aux instances devant celle-ci;

b) prescrire les droits à verser relativement à toute question qui relève de la compétence de la Commission, y compris les indemnités des témoins et en exiger le paiement;

c) prescrire des formules pour l'application de la présente loi et prévoir les modalités de leur emploi;

d) traiter de toute question utile ou nécessaire pour réaliser efficacement l'objet de la présente loi. L.R.O. 1980, chap. 82, art. 28.

Entente avec le gouvernement du Canada

29 La Couronne du chef de l'Ontario que représente le ministre peut, avec l'approbation du lieutenant-gouverneur en conseil, conclure des ententes avec la Couronne du chef du Canada concernant le paiement par

Ontario of such part of the expenditures required for the purposes of this Act as is agreed upon. R.S.O. 1980, c. 82, s. 29.

le Canada à l'Ontario de la partie convenue des dépenses relatives à l'application de la présente loi. L.R.O. 1980, chap. 82, art. 29.

VICTIM SERVICES
ANALYSIS

GENERAL INFORMATION

Contact____________________________ Position____________________________________

Office Name____

Full Address____

____

City______________________________Ontario, Postal Code____________________

Office Telephone # ____________________Toll Free/Hotline #__________________________

Fax# _______________________E-MailAddress_______________________________________

NATURE OF SERVICES PROVIDED

1. *Special Characteristics of Crime Victim*

(Please select the categories that apply in order of most frequently dealt with)

☐ Seniors
☐ Gay and Lesbian
☐ Children
☐ Disabled
☐ Gender Specific
☐ Cultural/Ethnic
☐ Other, (Please List):____

____

2. *Nature of Crime Victims Served*

(Please select the categories that apply in order of most frequently dealt with office type.)

☐ Homicide
☐ Domestic Violence
☐ Assault
☐ Break and Enter
☐ Impaired Driving
☐ Sexual Assault
☐ Threats/Stalking
☐ Robbery
☐ Theft/Fraud/Property
☐ Hate Crime

☐ Child Abduction/Missing Persons

☐ Other (Please List):______________________________

____

____

____

3. Nature of Service

☐ crisis intervention (death notification etc.)

☐ information & referral (pamphlets on court procedures, family law procedures etc.)

☐ counseling

☐ follow up

☐ legal assistance (applicability of legal aid, eviction orders, restitution Orders that are unenforced)

☐ public education/advocacy (publications, public advocacy)
☐ practical assistance:

- ☐ child care
- ☐ landlord intervention
- ☐ housing/shelter,
- ☐ employer intervention,
- ☐ transportation,
- ☐ creditor intervention re: mortgage or loan payments,
- ☐ insurance assistance,
- ☐ property return,
- ☐ interim funding,
- ☐ accompaniment to services
- ☐ other (please list):______________________________

☐ Case management (continuity of case worker/service provider)

☐ Interaction with authorities ***on behalf of victims*** (specify and detail actions taken)

☐ pre-charge (including police/statement taking/bail concerns/restraining orders, peace bonds)

☐ post charge (bail concerns)

☐ pre court (Docket information/meeting with Crown/information to Crown/VIS/bail concerns/CICB/courtroom orientation/plea bargain)

☐ court (reception/separate waiting area/contact during court/plea bargain/transportation/child care)

☐ pre sentence (victim impact statements)

☐ post sentence (probation, corrections, parole enforcement/counseling, appeals)

☐ compensation/restitution(Civil suits/restitution/CICB)

Hours of Operation:____

Catchment Area and Population of Service:____________________________

Number of Victims Served

1995	1996	1997	1998 (if available)

AND/OR

Number of Units of Service (if applicable)

1995	1996	1997	1998 (if available)

Mandate and/or Mission Statement of the Office: (attach if available)

Evolution of Office (Historical Background)______________________________

____

____

____

(attach additional pages)

Persons Employed

Type of Work	Number of Full Time Employees	Number of Part Time Employees
Management:		
Front Line Staff:		
Support Staff:		
Volunteers:		
Students:		

Methods for Recruiting and Maintaining Volunteers

☐ advertising

☐ schools

☐ public forums

☐ other (please list):____

Number of People Employed to do

Type of Work	Number of People Employed
Fundraising	
Front Line	
Research	
Education/Training	
Advocacy	
Administration	
Other	

Number of Years in Operation:______________________________

Budget

Public Funding		Private Funding	
Municipal Funding		Charitable	
Provincial Funding		Not for Profit	
Federal Funding		Other	

Please categorize the agency as to only one of the following categories that would best identify the major work of the agency. This is for database classification only.

☐ VWAP
☐ SEXUAL ASSAULT SERVICES
☐ CHILDREN/YOUTH SERVICES/MISSING CHILDREN
☐ HEALTH SERVICES
☐ FAITH COMMUNITY
☐ EDUCATION COMMUNITY/ADVOCACY
☐ COMMUNITY SOCIAL SERVICES
☐ LEGAL COMMUNITY
☐ BUSINESS COMMUNITY
☐ PAROLE
☐ WOMEN'S SHELTERS/TRANSITION HOUSES

☐ VCARS
☐ POLICE VICTIM SERVICES
☐ MENTAL HEALTH SERVICES
☐ INFORMATION/REFERRAL
☐ CRISIS/TRAUMA INTERVENTION
☐ CORRECTIONS
☐ NEWS MEDIA

☐ OTHER (Please List):____

ADDITIONAL INFORMATION THAT WE WOULD NEED YOU TO SHARE WITH US

Please include information on:

1. Agency Organizational Structure/Structure of Oversight/Management
2. Record Keeping/Database Management
3. Training provided to staff/volunteers/other agencies/police/crown
4. Extent/scope of relationship with outside agencies (police/ crown/courts/probation/ parole/hospitals/schools/social services)
5. Agency experience with access to court/offender data (barriers to obtaining data?)
6. Is victim contact or service delivery proactive or reactive or both?

GUIDE FOR VICTIMS' SURVEY

DATE:__________________

1. ARE YOU THE PRIMARY VICTIM (where a violent act has been committed directly against your person)?

☐ YES ☐ NO

2. IF YOU ARE NOT THE PRIMARY VICTIM, WHAT IS YOUR RELATIONSHIP TO THE PRIMARY VICTIM?______________________

3. CASE/NATURE OF CRIME:

☐ HOMICIDE
☐ DOMESTIC VIOLENCE
☐ ROBBERY
☐ THEFT
☐ PROPERTY
☐ HATE CRIMES
☐ SEXUAL HARASSMENT
☐ OTHER: _____________

☐ SEXUAL ASSAULT
☐ ASSAULT
☐ BREAK AND ENTER
☐ FRAUD
☐ IMPAIRED DRIVING
☐ CHILD ABDUCTION/MISSING PERSON
☐ STALKING

4. DATE CRIME COMMITTED:________________________________

5. INVESTIGATING POLICE SERVICE:__________________________

6. COURT LOCATION:____

7. CASE DISPOSITION:

☐ NO ARREST
☐ PLEA BARGAIN
☐ CONVICTION
☐ SENTENCE: ______________________________
☐ ACQUITTAL
☐ NO CHARGES
☐ TRIAL
☐ CONFLICT RESOLUTION
☐ APPEAL

8. WHAT SERVICES WERE PROVIDED TO YOU?

☐ VICTIM CRISIS ASSISTANCE
☐ POLICE VICTIM SERVICES
☐ FAITH COMMUNITY
☐ HEALTH COMMUNITY
☐ SEXUAL ASSAULT CENTRE/WOMEN'S SHELTER
☐ OTHER: ______________________________
☐ VICTIM WITNESS SERVICES
☐ SOCIAL SERVICES
☐ PEER SUPPORT SERVICES
☐ MENTAL HEALTH COMMUNITY

9. WHO PROVIDED SERVICE: ______________________

10. WHAT ASSISTANCE WAS RECEIVED AT THE TIME OF THE CRIME OR AT THE TIME OF DEATH NOTIFICATION?

a) From Police ______________________________

b) From Crisis Personnel ______________________________

c) Other ______________________________

11. WAS ASSISTANCE NEEDED TO DEAL WITH THE MEDIA DURING YOUR CASE? WAS IT PROVIDED? BY WHOM?

____

____

____

12. AT ANY TIME DID YOU RECEIVE ANY THREATS OR FEEL INTIMIDATED BY ANYONE?

(a) Did you report threats to anyone (i.e., Crown, Police)?

(b) Was there resolution? How was it resolved? By whom?

13. WAS THERE A SEPARATE WAITING AREA FOR YOU AND/OR YOUR FAMILY MEMBERS SEPARATE FROM THE ACCUSED'S FAMILY MEMBERS DURING THE COURT PROCESS?

14. WHAT OUT-OF-POCKET EXPENSES DID YOU INCUR?

15. WAS ANY FINANCIAL ASSISTANCE PROVIDED AT ANY TIME? BY WHOM?

16. WERE YOU INFORMED ABOUT THE CRIMINAL INJURIES COMPENSATION BOARD? BY WHOM?

17. AT ARREST:

(a) Was information about suspect provided to you by police? If no, who provided information?

(b) Did you receive a copy of the Victims' Bill of Rights? From whom?

(c) Was information provided about Support Services? By whom?

18. AT PRE-TRIAL:

(a) Did you have any prior knowledge of bail hearings? Who provided the information?

(b) Did you have any input into the plea negotiations?

(c) Did you prepare a Victim Impact Statement?

(d) Were you made aware of court dates in advance?

(e) Who provided that service?

19. AT TRIAL:

(a) Did you feel informed about the court procedures?

(b) Who provided that service?

(c) Were you prepared for his/her court testimony and/or the testimony of others?

(d) Who provided that service?

20. AT SENTENCE:

(a) Was a Victim Impact Statement sought at this stage?

(b) Did you prepare a Victim Impact Statement?

(c) Did you receive any assistance in its preparation or presentation? Who provided that service?

21. AT APPEAL:

(a) Were you informed of an appeal filed? By whom? Was appeal process explained to you?

____

____

(b) Who provided information of the appeal process and the date of the appeal hearing to you?

____

____

22. POST SENTENCE:

(a) Were you notified that you should register with Corrections Canada or the Ontario Parole Board in order to be kept informed of offender's status? Who provided that information?

____

____

(b) Were you told of probation or parole conditions (i.e., electronic surveillance, house arrest)? Who provided that service?

____

____

(c) Were you informed of the conditions of parole and/or probation release, (i.e., work release, day parole, half-way house)? By whom?

____

____

(d) Were you informed of the 1-800-579-2888 Victim Support Line for Victims of Crime? By whom?

____

____

23. ADDITIONAL INFORMATION:

(a) Did you need and receive interpreter services? Who arranged for that service to be provided?

____

____

(b) Did you feel you received comprehensive, emotional, psychological, and/or physical (practical) assistance, (i.e., replacement locks on doors, transportation, cleaning of residential crime scene)? From whom?

____

____

(c) What do you consider to be the most important/beneficial form of assistance received by you? Who provided the service?

____

____

24. ARE YOU SATISFIED WITH THE INFORMATION AND SUPPORT YOU RECEIVED?

EXPLAIN:

History of Victim Services in Ontario

In the early 1960's, the victim and the victim's role in the criminal justice system began to gain increased attention in several countries including Canada. Compensation for victims of crime was one of the earliest forms of victims assistance. In 1964, New Zealand became the first country to establish a form of state compensation to victims of crime. The United Kingdom, California, Saskatchewan and Ontario followed shortly thereafter.

The philosophy prompting the policy of compensating victims of violent crimes is based upon the fulfilment of a duty of a state to protect its people from injury or untimely death. As well, it is putting the onus upon the state; not only to punish the offender, but to compensate victims who generally will have no other source to look to for such compensation. Further, the sense of responsibility which a humane society feels, or should feel, for victims of crime, particularly crimes of violence.

1967 - In Ontario, the Law Enforcement Compensation Act, 1967, (An Act to provide Compensation for Injuries received by Persons assisting Peace Officers).

1968 - The Law Enforcement Compensation Act was proclaimed in force on April 1, 1968. Under that Act, the Board was restricted to awarding compensation when a person was killed or injured assisting a peace officer.

1969 - The Law Enforcement Compensation Act was amended in 1969, being made retroactive to April 1, 1968. The amendments broadened the Act so that compensation may be paid, not only where a person was killed or injured assisting a peace officer, but also where the person is simply a victim of a crime of violence.

1971 - On September 1, 1971, the Law Enforcement Compensation Act was superceded by the Compensation for Victims of Crime Act, and the title of the Board was changed from the Law Enforcement Compensation Board to the Criminal Injuries Compensation Board. A clause pertaining to pain and suffering not being awarded to the applicant when the offender was a relative, or when the applicant was a member of the offender household, was deleted.

1973 - In January 1973, the federal government extended financial aid to innocent victims of violent crime by entering into a cost-sharing agreement with the province of Ontario. The cost sharing agreement provided for a federal contribution equivalent to the lesser of $0.05 per capita or 90% of the total compensation awarded in the province.

1973 - In April, 1973, the first Shelter for Abused Women in Ontario opened. It was located in Toronto.

1974 - In 1974, the first Rape Crisis Centre in Ontario opened. Women began speaking out in consciousness raising groups about sexual assault and violence against women but they had no where to turn for support. The Toronto Rape Crisis Centre was founded to fill this need

1977 - In 1977, the Compensation for Victims of Crime Act was amended. The cost-sharing agreement was reviewed and the federal contribution was enhanced. The new arrangements provided for the larger of a payment of $0.10 per capita or $50,000 but not more than 50% of the total compensation awarded. The province had, however, the choice of using the original formula if it was to the province's advantage.

1977 - In 1977, the Ontario Coalition of Rape Crisis Centres (OCRCC) was established. It is a registered charity which represents member Centres throughout the province. The role of the OCRCC includes lobbying government, networking with rape crisis centres, resource development, support for new Centres, administration and responding to media. Most of the Rape Crisis Centres in Ontario are members and receive the benefits of membership.

1977 - In 1977, the Ontario Association of Interval and Transition Houses (OAITH) was formed. OAITH is a network of direct services for women escaping violence with their children. OAITH represents the majority of emergency shelters in Ontario and is the largest shelter association in Canada. Their mandate is to provide lobbying and networking efforts on behalf of their membership and the women and children they serve.

1979 - In October, 1979, a Conference of Ministers responsible for criminal justice was held. At the conference, the theme of improved assistance for victims of crime was stressed by a number of the Ministers in attendance.

1980 - In Canada, sexual offences against children and youth began to be recognized as a serious problem in the late 1970s. In December 1980, Federal Parliament established a special committee to inquire fully into the matter and make recommendations.

1981 - In June, 1981, Deputy Ministers responsible for criminal justice requested the preparation of a report on Justice for Victims of Crime for the consideration of the Ministers. The report was prepared by an ad hoc federal/provincial working group chaired by the Deputy Provincial Secretary for Justice, Ontario.

1981 - In December 1981, the recommendations of the federal/provincial report were adopted at the meeting of Ministers responsible for justice. This included establishing a federal/provincial task force to prepare a report for the Ministers. The Task Force of officials was to examine the current needs of victims, their experiences with the criminal justice system, the funding implications of different courses of action, and ways and means of developing, sharing, and disseminating information on those issues both with the public and with criminal justice agencies.

1982 - In November, 1982, the First Report on Family Violence: Wife Battering. The report consisted of the first work done by the Ontario government by the Standing Committee on Social Development, Second Session, 23rd Parliament of Ontario.

1983 - In October, 1983, the release of Family Violence: Wife Battering, Ontario Governments Initiatives. This report consisted of government initiatives in response to the 1982 report. The report was drafted by The Hon. Robert Welch, Deputy Premier and Minister Responsible for Women's Issues and the Hon. Gord Walker, Provincial Secretary for Justice.

1983 - In June 1983, after one and one half years of research and consultation, the Canadian Federal-Provincial Task Force on **Justice for Victims** of Crime Report was released. The Report became a catalyst for the province of Ontario to use as a guideline for the implementation of services for crime victims. The Task Force stated that it was their belief that our criminal justice system can and should express more concern for, show greater consideration to, and ensure better care of those who are victims of crime.

1984 - The Report of the Committee on Sexual Offences Against Children and Youth (the Badgley Report) was released. The Report confirmed what front-line personnel were beginning to suspect: child sexual abuse is a problem of major proportions, having significant implications for Canada's children. The Committee's recommendations included a strong emphasis on the need to invoke criminal sanctions for offenders, both for deterrence and for rehabilitation purposes. The Committee clearly described child sexual abuse as a criminal behaviour, not a simple, non-victimizing mental health problem.

1984 - The Federal Solicitor General established the National Victims' Resource Centre which was located in Ottawa. The Resource Centres' function was to act as a clearing house for the collection and sharing of information on crime victim issues and programs, crime victim research, program development and evaluation. The Resource Centre had a toll free number and maintained a library where they catalogued all the current initiatives, crime victim services and programs from not only Canada but other countries as well. It served as a central repository for information and the sharing thereof.

1985 - The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was adopted by the United Nations of which Canada was a co-sponsor. With the adopting of the Declaration, the General Assembly called upon the member nations to implement the basic principles of the Declaration by the establishment of policies, programs, and legislation.

1986 - OAITH (Ontario Association of Interval and Transition Houses) was incorporated to give voice to the concerns of abused women and their children across Ontario and to the shelters that keep them safe.

1987 - The Victim/Witness Assistance Program (V/WAP) began operating on a pilot basis in 10 Crown Attorney's offices throughout Ontario.

1987 - The Victim Assistance and Referral Service (VCARS) began operating on a pilot basis in two locations in Ontario.

1988 - The Federal National Victims' Resource Centre was transferred from the Solicitor General's Department to the Department of Justice. It was still based in Ottawa.

1988 - Child Witnesses. Amendments to the Criminal Code and the Canada Evidence Act (Bill C-15) provide for measures to lessen the trauma to a child during the prosecution process. One provision allows a videotape of the child's testimony where the conditions described in Section 715.1 of the Code are met. Another measure provides for methods to obstruct the child's line of vision to the accused where the court finds this necessary to obtain a full and candid account from the child [s.486(2.1)]. This can be done with a screen or other device or a closed circuit television arrangement where the child testifies in a room separate from the courtroom and the accused.

1988 - Through Bill C-89, Victim Impact Statements were federally legislated as well as the establishment of the Victim Fine Surcharge.

1988 - The Statement of Basic Principles of Justice for Victims of Crime was adopted by federal, provincial and territorial governments. The Statement reflected the same philosophy of the 1985 United Nations Declaration. It was intended to provide guidance to all levels of government in the development and implementation of victims legislation, programs, and policy.

1989 - The Victim/Witness Assistance Program was given permanent status and two additional sites were opened.

1990 - Introduced in 1990, the Police Services Act declares as an operating principle respect for victims of crime and an understanding of their needs.

1992 - The Federal government withdrew its financial aid to innocent victims of violent crime by cancelling the cost sharing agreement it had with the province of Ontario since 1973.

1992 - Amendment to closed circuit-screen provisions. On June 30, 1992, s.486(2.1) of the Criminal Code of Canada was amended. Previously s.486(2.1) applied only to the evidence of persons under the age of eighteen. The amendment extends the provision to complainants who have difficulty communication the evidence by reason of a mental or physical disability. If the judge is of the opinion that the use of the screen or closed-circuit is necessary to obtain a full and candid account of the act complained of, the complainant may be allowed to testify, with these special accommodations. The section only applies to sexual offences.

1992 - The Criminal Injuries Compensation Board based on a legal opinion, began to accept applications for incidents that occurred prior to the date that the 1969 amendments to the Law Enforcement Compensation Act came into force. It was partly due to this change, as well as an evolution in public awareness, that the Board began receiving a great increase in the number of applications based on historical sexual abuse. These are cases in which an individual may have suffered sexual abuse as a child or young adult many years ago, but has only recently reported the abuse.

1992 - The Corrections and Conditional Release Act, Bill C-36, was adopted by Parliament. The Act dealt with the Correctional Service of Canada and the National Parole Board. It allowed for the provision of information to and from victims in relation to both Correctional Service of Canada and the National Parole Board. It also allowed victims to be able to attend federal Parole Board hearings as observers.

1993- S.659 of the Criminal Code of Canada (in effect August 1st 1993) abrogates the requirement of a mandatory warning about convicting on the evidence of a child.

1993 - A Federal/Provincial/Territorial Task Force on High-Risk Violent offenders was established. This was one of many recommendations made by the Coroner's Jury investigating the death of Christopher Stephenson.

1994 - the government approved a settlement agreement with former wards of the Grandview/Ontario Training Schools for Girls - Galt. The Grandview Training School for Girls operated in what is now known as Cambridge, Ontario from 1932-1976.

1994 - The Victims' Justice Fund was established in November 1994. It is a fund dedicated solely to receive revenues from both the federal and provincial victim fine surcharges and the proceeds will be used exclusively for existing and enhanced services for victims of crime.

1995 - The Federal National Victims' Resource Centre located in Ottawa which had been previously moved to the Federal Department of Justice in 1988, ceased to be in operation and closed.

1995 - The Victims of Abuse in Provincial Institutions was established in Toronto to administer compensation agreements for former wards of St. John's, St. Joseph's and Grandview training schools.

1995 - In January 1995, the Task Force on High- Risk Violent Offenders released its final Report, entitled, "Strategies for Managing High-Risk Offenders". Among the various recommendations were several which had, as their emphasis, greater national consistency and effectiveness in the use of the Dangerous Offender provisions of the Criminal Code. One such recommendation, approved by the Attorney General for Ontario and other Ministers Responsible for Justice at their meeting in Victoria B.C. is that a nation-wide "flagging" system should be implemented to track high-risk offenders who have not yet been declared "dangerous offenders".

1995 - The implementation of Training for nurse examiners to administer the Sexual Assault Evidence Kit. Approximately 150 nurses from 15 Sexual Assault Treatment centres participated in this voluntary training. Funding from within the Ministry of Health's budget supports Sexual Assault Treatment Centres in hospitals.

1996 - In June 1996 the provinces's historic Victims' Bill of Rights was jointly announced by the Ministry of Solicitor General and Correctional Services and the Ministry of Attorney General. The Victims' Bill of Rights legislates a set of principles to support victims of crime with timely, respectful and courteous treatment throughout the criminal justice system. It also enshrined the Victims' Justice Fund to guarantee that money collected under the Victim Fine Surcharge will be solely dedicated to providing services for crime victims.

1996 - The establishment of the Victim Support-Line which is a province-wide toll-free information line that provides a range of services to victims of crime in English and French. As well, the Victims Notification System was established which keeps victims informed about the status and scheduled release of provincially sentenced offenders.

1997 - The Report of the Federal/Provincial/Territorial Working Group on Victims of Crime was completed.

1997 - In May 1997, the government announced funding for an Internet project that was to link the 34 sexual assault/rape crisis centres. The project has been completed and all the centres now have an E-mail address.

1997 - In July of 1997, The Comprehensive Road Safety Act (Bill 138) received Royal Assent. One of the intended effects of this legislation is to address that population of drivers who continue to drink and drive and drive while their licence is suspended.

1997 - October 17, 1997 was the final deadline for the office for Victims of Abuse in Provincial Institutions to accept applications. After the October 17th deadline, callers were directed to the Criminal Injuries Compensation Board.

1997 - In January 1997, the first Domestic Violence Court opened at Old City Hall in Toronto.

1997 - On July 2, 1997, the Attorney General announced the creation of 6 additional Domestic Violence Courts in the following locations: London, Hamilton, Ottawa, Whitby, Brampton and North Bay.

1997 - An amendment in November 1997 to the Police Services Act includes victim assistance as one of the legislated duties of police services across the province of Ontario.

1997 - In July 1997, the Minister of The Ontario Women's Directorate announced the Agenda for Action strategic framework representing a comprehensive and coordinated response to address violence against women, The framework focuses on three major components, i.e. safety, justice and prevention, taking into consideration the needs of abused women and their children at various stages of the violence cycle.

1998 - In April 1998, the Ministry of the Solicitor General and Correctional Services in alliance with Ericsson Communications Inc. and Rogers Cantel Inc. initiated a pilot program which provides preprogrammed wireless phones to victims identified as being at risk of person danger from domestic violence, sexual assault and stalking, as a means of improving their safety. The program is administered in two pilot sites, one in Ottawa and one in Barrie.

1998 - As of July 1998, there are 26 Victim Witness Programs providing full standard services across Ontario.

1997/1998 - The Ontario Women's Directorate - funded the Co-ordination of the Violence Prevention Initiatives. The Directorate assumes the overall coordination of the Violence Against Women Prevention Initiatives. It distributes funds to support more than 30 programs and services in nine participating ministries to prevent and address violence against women. The Directorate also supports policy development work as it relates to violence against women and monitors the initiatives.

The Directorate also coordinates initiatives contained within the Agenda for Action strategic framework which outlines the government's priorities and action plan on violence prevention. The framework supports the three key strategies identified in the Violence Against Women Prevention Initiatives: Safety and Crisis Intervention, Justice System Response, and Prevention and Education.

1997/1998 - The Ontario Women's Directorate provided funding for a program of Public Education - Through the Agenda for Action, the Directorate develops public education resources and support projects in partnership with community and the private sector.

1997/1998 - The Ontario Women's Directorate provided funding for grants - Through the Priority Project Funding program, the Ontario Women's Directorate provides grants to non-profit community organizations in Ontario to support innovative, coordinated projects that address community safety and violence prevention.

Aboriginal Healing and Wellness Strategy is supported by the Ontario Women's Directorate, the Ministry of Community and Social Services, and the Ministry of Health. This program is a five year initiative (1994-1999) involving the provincial government and 13 Aboriginal organizations and First Nation. The strategy addresses family violence and Aboriginal health status through culturally appropriate, community designed and delivered programs.

1997/1998 - The Ministry of Community and Social Services funded 97 emergency shelters across the province. These shelters provide 24 hour, 7 day a week emergency residential services for assaulted women and their children. They provide ancillary services which include: counselling, outreach, supports to children, transportation to shelter and community services, 24 hour crisis and support telephone line.

1997/1998 - The Ministry of Community and Social Services funded community agencies to provide counselling programs for sexual assault victims. The Ministry also funds regional training sessions for front-line staff on issues related to sexual assault.

1997/1998 - The Ministry of Solicitor General and Correctional Services provided core funding to 34 Rape Crisis/Sexual Assault Centres. Women who have been sexually assaulted can access centres to receive crisis counselling. Sexual Assault Centres also do public education work.

1997/1998 - The Ministry of Solicitor General and Correctional Services provided funding for Staff Training and Resources - This program funds ongoing training for police, probation and parole staff, correctional officers, residential staff, and members of parole boards on issues of violence against women, to strengthen their ability to make appropriate intervention and referrals.

1997/1998 - The Ministry of Solicitor General and Correctional Services funded the Male Batterers' Programs - These programs provide group counselling for men who have assaulted their female partners, and are designed to teach alternative, non-violent forms of behaviour. The Ministry funds 37 Male Batterers's Programs including two in institutions, 28 through community agencies and seven associated with the Domestic Violence Courts.

1997/1998 - The Ministry of the Solicitor General and Correctional Services funded the Victims of Violence Program. The program provides counselling related to physical and sexual abuse to female offenders in institutions. Research has indicated that a significant number of female offenders have suffered physical and sexual abuse. Programs are provided by community agencies in 10 detention and correctional institutions.

1997/1998 - The Ministry of the Solicitor General and Correctional Services funded the Victim Crisis Assistance and Referral Service (VCARS) programs. Funding was provided to 20 community-run volunteer programs to provide immediate crisis assistance to victims of crime and disaster 24 hours a day, seven days a week.

1997/1998 - The Office for Francophone Affairs provided funding to Francophone groups to undertake public education activities which address the issue of violence against women.

1997/1998 - The Office of Francophone Affairs provided funding to the French Language Sexual Assault Services Program. The program is cost shared between the Ontario Women's Directorate and the Ministry of the Solicitor General and Correctional Services. It funds French language sexual assault services in nine areas of the province: Windsor, Niagra, Chatham-Kent, Hamilton, Toronto, Barrie, Ottawa, Sudbury and Timmins.

1997/1998 - The Office of Francophone Affairs provided funding for the Development of a Service Plan for Francophone Women - Through the Agenda for Action, the Office of Francophone Affairs is working with community partners to develop a strategic plan to enhance services for Francophone women who are victims of violence and pilot service models in Northern Ontario.

1997/1998 - The Ministry of Citizenship, Culture and Recreation provided funding for a Cultural Interpreter Program - The goal of this program is to improve the access to relevant services by non-English/French speaking women who are victims of violence. Funding is provided to support cultural interpretation services in nine sites across the province.

Through the Agenda for Action, a coordinated service model was developed and piloted to provide cultural interpretation services to facilitate non-English speaking assaulted women to access the two Domestic Violence Courts in Toronto.

1997/1998 - The Ministry of Citizenship, Culture and Recreation provided funding for two separate grant programs. One of the grant programs was the Violence Against Women With a Disability - Prevention/Education Program. This grant program is available to community organizations across the province to develop projects designed to address rural, local and regional assault/abuse prevention needs for women with disabilities

The second grant program was The Violence Against Women Prevention Education Program The objects of this grant program are to support the development and delivery of training and resource development programs which increase the cross-cultural knowledge and skills of workers and professionals who work with immigrant and refugee women who are victims of.. violence; the development and delivery of educational programs and resources to promote the prevention of violence against women within the immigrant and refugee communities; to provide information on the services which are available to assist members of these communities.

Through the Agenda For Action, additional funding was provided to enhance the two grant programs.

1997/1998 - The Ministry of Citizenship, Culture and Recreation provided funding for Support for Women with Disabilities in the Domestic Violence Courts - Through the Agenda for Action, the project identified effective service models to facilitate abused women with disabilities to access the two Domestic Violence Courts in Toronto. Training models and related resource materials for service providers were developed.

1997/1998 - The Ministry of Citizenship, Culture and Recreation provided funding for the Enhanced Violence Prevention Activities with Immigrant/Refugee Communities - Through the Agenda for Action, a series of teaching tools to assist ESL (English as a second language) teachers in integrating violence prevention education activities in ESL classroom are being developed and delivered.

1997/1998 - The Ministry of Citizenship, Culture and Recreation provided funding for the Enhancement of Services for Women with Disabilities - Through the Agenda for Action, service models were developed to make services more accessible to women with disabilities in shelters, rape crisis centres and sexual assault treatment centres.

1997/1998 - The Ministry of the Attorney General provided funding for the Domestic Assault/Crown Prosecutors Program. Funding was made available for hiring of part-time Crown Attorneys to allow full-time Crowns prosecuting wife assault or sexual assault cases to have time out of court to interview victims prior to trial.

1997/1998 - The Ministry of the Attorney General provided funding for the Domestic Assault Prosecutor Program. This program provides regular training sessions for Crown Attorneys who have been designated as Domestic Assault Specialists. All designated Crown and Assistant Crown Attorneys receive training related to the unique social, psychological and legal issues relevant to the prosecution of wife assault cases.

1997/1998 - The Ministry of the Attorney General provided funding for Emergency Legal Aid. Emergency Legal Aid advice is available to women who have been assaulted. Shelters and other agencies can refer assaulted women directly to a lawyer for two hours of free emergency advice concerning legal issues which may require direct action.

Through the Agenda for Action, additional funding is provided to enhance the emergency legal aid available to abused and assaulted women.

Funding was provided for the Domestic Violence Court Project. Eight Domestic Violence Courts have been opened in Ontario. Staffed by trained specialists in investigation and prosecution of spousal assault, these courts have been set up to prosecute domestic assault cases more effectively and to provide counselling intervention to offenders.

1997/1998 - The Ministry of Education and Training provided funding for School-Based Services. Grants are available to school boards and French Language Sections to purchase services from shelters and other agencies working with abused women and their children. The goal is to provide counselling services to children who have witnessed violence. Through the Agenda for Action, additional funding was provided to enhance the program so that more school boards could participate.

1997/1998 - The Ministry of Education and Training provided funding for Post Secondary Pilot Projects - five pilot projects in post-secondary schools located across Ontario were funded to develop and implement projects to address violence against women and girls.

1997/1998 - The Ministry of Education and Training provided funding through post-secondary institutions and community organizations to teachers and school staff on important topics in violence against women prevention, e.g., preventing violence in dating relations, sexual harassment prevention, and French language community based training on assault prevention.

1997/1998 - The Ministry of Education and Training provided funding for the development of resource kits on media violence for teachers and school administrators.

1997/1998 - The Ministry of Education and Training provided funding for the Intervention for Child Witnesses Program - Through the Agenda for Action, funding was provided through boards and local children's agencies to develop ways of providing clinical services to children who have witnessed abuse.

1997/1998 - The Ministry of Education and Training provided funding for the Early Elementary Teacher Package - Through the Agenda for Action, a training package was developed in cooperation with the teaching community. The package will assist teachers in developing the skills necessary to help children at risk and to foster a safer learning environment.

1997/1998 - The Ministry of Education and Training provided funding for the French Language Assault Prevention Training for Teachers and Parents - Training will be provided to teachers and parents to identify, respond effectively and support children at risk of abuse or who witness abuse.

1997/1998 - The Ministry of Health provided funding for Education of Health Professionals - Grants were available to professional health care associations, health care organizations, educational institutions and community groups for the development of Wife Assault and Sexual Assault education and training programs and resource materials for health professionals.

1997/1998 - The Ministry of Health provided funding for a program that provides crisis intervention, assessment, short and long- term counselling and referral for women 16 years of age and older who are sexual assault and/or incest survivors.

1997/1998 - The Ministry of Health provided funding to support the Sexual Assault Treatment Centres in hospitals. There are 27 hospital-based Sexual Assault Treatment Centres with 12 satellite facilities. Training for nurse examiners to administer the Sexual Assault Evidence Kit began in 1995. Approximately 150 nurses from 15 centres participated in this voluntary program. It is expected that by 1999, all 27 Sexual Assault Treatment Centres will have on-call nurses trained as examiners.

1997/1998 - The Ministry of Health provided funding for the Purchase of Examination Tables for Women with Disabilities. Through the Agenda for Action, all Sexual Assault Treatment Centres will be equipped with special examination tables to provide more accessible services for women with disabilities.

Through the Agenda for Action, Sexual Assault Treatment Centres, at selected sites, have been expanded to treat victims of Domestic Violence.

1997/1998 - The Ministry of Health provided funding for the Use of Medical Protocols. Through the Agenda for Action, a medical protocol and reporting form for the collection of medical evidence for domestic violence cases has been developed for use in physicians' offices. The form will be field-tested and further reviewed by legal and medical panels.

1997/1998 - The Ministry of Health provided funding for the Development of a Sustainable and Comprehensive Group Counselling Program for Survivors of Violence in Diverse Communities. Through the Agenda for Action, protocols and approaches are being developed, piloted and evaluated to provide appropriate counselling services to women of colour, disabled women, elderly women, Aboriginal women, Francophone women and women with mental health issues.

1997/1998 - The Ministry of Northern Development and Mines provided funding for grants to Northern Ontario groups for projects related to the prevention of wife assault and sexual assault in northern communities. The programs assists survivors of sexual assault and wife assault in Northern Ontario by improving outreach and self-help programs and increasing the accessibility of prevention services and public education.

1997/1998 - The Seniors' Secretariat provided funding for a program for Shelter Needs of Abused Older Women - A study was conducted to determine if existing services were meeting the needs of abused older women.

1998 - On November 19, 1998, The Attorney General announced the opening of the Office for Victims of Crime. The new Office for Victims is aimed at strengthening the rights of victims and providing more comprehensive and integrated services for victims in Ontario.

Ministry of the
Attorney General
720 Bay Street
Toronto, Ontario
M5G 2K1

Ontario

Victim Impact Statement
An Information Guide

What is a Victim Impact Statement?
A Victim Impact Statement is an opportunity for you to tell the court how a criminal offence has affected you.

Who may complete a Victim Impact Statement?
Anyone who is a victim of a crime may complete a Victim Impact Statement. If the victim is unable to complete a form, or has died, a family member may complete the Statement instead.

Why should I complete a Victim Impact Statement?
A common complaint about the Criminal Justice System is that the victim of an offence feels neglected. The Victim Impact Statement gives you an opportunity to express your feelings about the loss you have suffered as a result of the criminal offence.

How will my Victim Impact Statement be used?
The information you provide in the Victim Impact Statement will assist the Crown Attorney in understanding the full effect of the offence when preparing the case, and in deciding what to say to the judge about how the crime has affected you. A copy of the Statement is given to the defence lawyer and may be seen by the accused. You may choose whether or not to complete a Statement and you may also choose when to return it.

If you return it before the trial, a copy will be given to the accused or his/her lawyer immediately. In that case, you may be questioned on the contents during the trial. If you choose to return it after a finding of guilt, a copy will be given to the accused or his/her lawyer and it may be used at the sentencing hearing. You may be asked questions in court by the defence lawyer about what you have said in your Statement.

Once your Statement is in the court file, it is part of the public record and may be seen by the media, a probation officer or by the National Parole Board. For example, if the offender is put in jail, the Victim Impact Statement could be used to help determine conditions for the offender's release.

Do I have to complete a Victim Impact Statement?
No. Completing a Victim Impact Statement is voluntary. You may complete only part of the Statement. You may feel that some of the sections are not important or you may feel uncomfortable about filling them out. You do not have to fill these sections out.

How do I complete the Victim Impact Statement?
The Victim Impact Statement is to be written in your own words. You may use extra pages for your Statement or complete only as much as you want. This information should be as accurate as possible. If you are making comments about financial loss or damage to property, you should attach receipts, if available.

Please remember that the Victim Impact Statement is about you, not the accused. Please avoid vengeful comments; instead, concentrate on providing a description of the impact of the crime on your life. Suggestions about the penalty are not helpful since it is entirely up to the judge to make that decision. You may, however, wish to express any concerns you have about probation conditions. For example, it may be important for you to say whether you do or don't want contact with the accused.

May I ask someone to help me complete a Victim Impact Statement?
Yes. If you are having difficulty with your Victim Impact Statement (or if the victim is a child), a victim support group or family member may help. It is important to remember that this is your Statement and that it should be in your own words.

If I provide a Victim Impact Statement, will I be questioned about it in court?
Not usually. Your Victim Impact Statement may be filed in court and be used by the Judge and defence lawyer. If your Victim Impact Statement is filed in court, occasionally the defence lawyer may wish to cross-examine you, that is, ask you questions about your Statement. You may be asked to come to court to testify about the effect the crime has had on you. The Crown Attorney will make every effort to take into account your feelings about this matter.

Will I receive compensation for the financial impact I describe in my Victim Impact Statement?
Providing information about the financial impact of a crime will not necessarily lead to compensation for you. A Crown Attorney, a victim support group, your lawyer, or the Criminal Injuries Compensation Board office may be able to provide you with information and assist you.

Where should I return my Victim Impact Statement?
Your Statement should be returned to the police or the Crown Attorney responsible for the case.

May I update my Victim Impact Statement?
If you have new information about the effects of the offence, you may update your Victim Impact Statement by contacting the police or Crown Attorney responsible for the case.

For further assistance, please contact:
Ministry of the Attorney General, Victim Witness Assistance Program
Phone:(416) 326-2429 Fax: (416)326-2857

Assaulted Women's Helpline: (416)863-0511

Women's Shelters: Listed in the White Pages of the Telephone Directory

Sexual Assault/Rape Crisis Centres: Listed in the White Pages of the Telephone Directory

Community Legal Clinics: Listed in the White Pages of the Telephone Directory under Legal Aid or in the Yellow Pages under Lawyers -Legal Aid

Lawyer Referral Service: Toronto (416) 947-3300 1-800-268-8326

Criminal Injuries Compensation Board: (416)326-2900 1-800-372-7463

Kids Help Phone: 1-800-668-6868

EXCERPTS FROM
UN HANDBOOK ON JUSTICE VICTIMS, APRIL 1998
SECTION 2:
VICTIM ASSISTANCE PROGRAMS

__Goal__: The goal of a victim service program is to assist victims in dealing with emotional trauma, participating in the criminal justice process, obtaining reparation, and coping with associated problems caused by the impact of victimization.

__Objectives__: The objectives of the program are to do the following:

(1) Increase the commitment of governments and organizations to do all that is possible to assist victims.

(2) Increase the range and availability of services for victims from the time of the victimization and throughout the aftermath.

(3) Expand the victim's opportunity to participate at all critical stages of the criminal justice process, and to ensure consideration of the impact of the victimization upon the victim in all criminal justice systems and international tribunals.

(4) Increase coordination and networking of all appropriate agencies, organizations, groups and families, kinship and community support systems providing services to victims or affecting the treatment of victims in order to develop an integrated system of victim assistance.

(5) Improve the quality of outreach to and treatment of victims in need.

(6) Be aware of the unique needs of under served or new victim populations.

Chapter 2.1 Starting a Victim Assistance Program

The first step in accomplishing these goals and objectives, is often for appropriate government and/or community agencies to establish victim service programs which are dedicated to providing services to victims and helping them cope with the traumatic effects of the act and its aftermath.

Programs should be well organized, with clearly defined goals, appropriately staffed (with paid or unpaid staff), and should seek the support of other partners in a network of governmental authorities.

Programs should have the capability of providing a comprehensive system of service to victims, or if they offer more limited services, such services should be coordinated with other services to ensure continuity of support for victims.

Assessing the Requirements and Resources of the Jurisdiction

When initiating a victim assistance program, an assessment should be made of the needs of and resources available in the jurisdiction. This assessment should be updated as needed. The goals of the assessment could include the following:

- Determine the rate of victimization.
- Determine the types of victimization.
- Obtain a general understanding of the needs of victims in the jurisdiction.
- Assess the existing resources available to meet these needs.
- Determine what problems or barriers exist to victim participation in the criminal justice system.
- Determine what assistance is needed.
- Identify what policies, procedures, or laws need to be changed or introduced.

In order to gain a general understanding of the needs of the victims in a jurisdiction, it is important to analyze the gaps in and priorities of existing victim services, in order to identify what missing services are appropriate for the program to implement. It is also important to include consideration of special aspects including, information about age, race, ethnicity, religion, marital status, geography, economic circumstances, education, and culture.

Advisory Groups

It can be very helpful to establish an informal or formal group of advisors to oversee this assessment. Ideally, this group should draw upon the knowledge and interests of representatives from various professions and other sectors of society. The advisory group might include representatives from police, prosecution, health and mental health care professionals, academic circles, local government, representatives of people working with offenders, and from the community at large and/or volunteers. Such a broad base promotes interagency cooperation as well as interdisciplinary approaches, and provides a better picture of the needs and resources in a jurisdiction. It also facilitates information gathering and data collection.

The advisory group should fully represent the jurisdiction, including both males and females of varying ages, and representatives of the different races, religions, cultures, geographic areas, and economic status groups of the jurisdiction.

The scope of the assessment can be defined with the help of the advisory body. During the first year, the scope of the assessment should include the entire community or jurisdiction that the program is to serve. However, programs that serve only one type of victim may limit the assessment to the needs of that particular population group. The broader the scope of the assessment, the more useful it will be in defining the needs and identifying available resources for all victims in need.

The first requirement in assessing the shortfall between needs and provision of assistance is to establish the need by obtaining accurate data on the incidence and prevalence of victimization. Possible sources of data for the assessment include the following:

- Police reports.
- Community surveys of individual citizens, community groups, and community leaders.
- Survey of social service institutions.
- Survey of criminal justice professionals.
- Participant observation of the criminal justice process.
- A study of the criminal law in the jurisdiction.
- Surveys of and interviews with victims.
- Media reports.
- Witness reports.
- Medical reports.
- Community based service data.

Due caution should be exercised to maintain the confidentiality of victim data subject to legal requirements.

Steps in Implementation
The completed assessment should be used to determine what services are missing from the jurisdiction, and what are the service priorities. Updated assessments should be carried out in connection with periodic evaluations of the quality of service delivery.

Implementing a victim assistance program involves a number of steps, regardless of the jurisdiction and the scope of the service program:

- Establishing the service goals (see the analysis below).
- Developing an annual program.
- Securing official recognition and support in order to enhance the status and leverage of the program.
- Defining the budgetary needs and the sources of funding.
- Locating adequate and appropriate office space.
- Establishing a system for the management of cases.
- Establishing service delivery guidelines with special attention to the safety of paid and volunteer staff, especially in areas affected by war.
- Developing job descriptions for paid and volunteer staff.
- Hiring, recruiting, selecting, or identifying paid and unpaid staff.
- Training the staff.
- Establishing regular and long-distance telephone service or alternative communication systems where appropriate.
- Identifying transportation methods or a plan that will improve the physical access that victims have to the services.
- Furnishing or updating office equipment.
- Identifying emergency and follow-up referral agencies in the jurisdiction.
- Informing and coordinating with referral agencies to develop a strategy to alert the public to the availability of program services, the nature of those services, and how to contact them.
- Training personnel at referral agencies in crisis assessment and referral techniques. The guidelines for referral should be devised so that they take into consideration the safety of the program staff and the confidentiality of the victim.
- Developing a public relations policy.

Service Delivery
Victim services should ideally be prepared to assist all victims. However, based upon resources, the expertise of the program staff, existing institutions, and an analysis of the needs of a jurisdiction, programs are urged to prioritize the implementation of services and to phase in full service to victims over a period of time. In setting priorities, programs are encouraged to use a systematic approach to take into account the severity of the victimizing event and its impact on the victim.

Outreach programs should be developed for victims who require increased attention in a specific jurisdiction. Supportive services should be available during work hours daily. However, a more comprehensive program should have all services available 24 hours a day, where appropriate and attainable. Such services should be provided by telephone, through on-scene response, home visits or walk-in services. Often the bulk of programs are established in the large population centers; thus, outlying villages and towns are overlooked. Service providers must be mindful to serve all those in need regardless of how inconvenient.

In order to serve victims who do not immediately contact a service provider, who are not immediately referred to services, or who are not a part of the program's priority victim population, several methods of contacting victims are suggested. Crisis counselors trained in screening protocols, could screen police reports twice weekly, to the extent possible in compliance with laws on privacy. Police officers, following suitable training, could review the reports and select cases for referral. The program could encourage police personnel, medical professionals, teachers, religious leaders, and/or social service agencies to advise victims that the program exists and ask if they object to being referred to the program for further assistance. If there is no objection, the referral could then be made. Whatever method is used, victims should be contacted as soon as possible to be informed of the availability of services.

Use of Information

The program should ensure that the following is maintained:

- The goals of information gathering are clearly established.
- Only necessary questions are asked of victims.
- Only necessary information is collected, recorded, or maintained.
- Professionals should know what information is necessary.
- Victims are informed about how information will be used.
- Confidentiality of information is maintained in accordance with the law (and where the law is lacking, in accordance with international standards).
- The information should be used only for the purpose for which it was collected.

Types of Services

The program should ensure the provision of at least the following nine clusters of services:

- Crisis intervention.
- Counseling.
- Advocacy.
- Support during investigation of a crime.
- Support during criminal prosecution and trial.
- Support after case disposition.
- Training for professionals and allied personnel on victim issues.

- Violence prevention and other prevention services.
- Public education on victim issues.

All victim assistance professionals should ideally receive a minimum of 40 hours of pre-service training on victimization, victim assistance, and prevention (particularly violence prevention) and continuing in-service education in these subjects.

Programs should set and review service standards and, within the program guidelines, establish priorities for the types of services to be implemented first. However, programs should plan to phase in all services within five years from the initiation of the program.

Chapter 2.2 Types of Services to Be Provided

Goal*: To promote standards for implementing programs and for individuals who work with victims in order to better assist victims in dealing with emotional trauma, participating in the criminal justice process, obtaining reparation, and coping with associated problems caused by the impact of victimization

Objective*: To ensure that either the program itself or other designated agencies provide the nine clusters of services mentioned above.

Most of the clusters are described in terms of their primary function (provision of emotional support, direct assistance and information). In connection with each cluster, a minimum standard of service is identified. Experience has shown that these minimum services, where needed in the individual case, are central to the victim's recovery. Additional recommended services are identified. The program should ideally ensure that also these services are provided in the jurisdiction. [Note: some service clusters overlap to ensure continuity and provision of assistance.]

The victim support program need not necessarily provide all of these services. If the service already exists in the community and the victim support program can refer victims to it, the program should not seek to duplicate its work. If a needed service does not exist, then the program should either provide it directly, or help to promote its provision through another agency.

Crisis Intervention
Victim support programs should seek to provide at least the following services:

- *Emotional support*: crisis intervention counseling.
- *Direct assistance*: emergency referrals or direct assistance with medical care, shelter, food, dependent care, property repair, and substance abuse treatment.
- *Information:* information and referrals to meet immediate needs and victim rights concerns.

In addition, victim support programs should seek where possible to provide:

- *Emotional support*: notification of death and occasions for the identification of the body, notification of the offence to the immediate family, or others.

- *Direct assistance*: To meet the immediate need for clothing, emergency/protective shelter, money and transportation, cleanup of the crime scene and emergency repairs, protection through restraining orders, etc.
- *Information:* information about emergency financial assistance, etc.

Counseling
Victim support programs should seek to provide at least the following counseling services:

- *Emotional support*: supportive individual and group counseling.
- *Direct assistance*: referrals or direct assistance with protective shelter.
- *Information*: how to prevent further victimization and substance abuse, and information and referrals for social, physical health, or mental health services.

In addition, victim support programs should seek where possible to provide the following counseling services:

- *Emotional support*: long-term counseling and mental health intervention in response to trauma.
- *Direct assistance*: assistance with the replacement of stolen, damaged or otherwise lost documents, arrangements for the repair or replacement of stolen, damaged or otherwise lost property.
- *Information:* information on and referrals for legal redress outside of the criminal justice system, including ombudsman, human rights associations, and regional and/or international means of recourse.

Advocacy
Victim support programs should seek to provide at least the following advocacy services:

- *Direct assistance*: general advocacy services in order to provide assistance with applications for victim compensation or private insurance, intervention to ensure the continuity of the victim's credit, housing or employment, assistance with protection through protection orders, relocation or shelter for victims when needed in order to ensure access to the criminal justice system or other tribunals.

Support During the Investigation of the Crime
Victim support programs should seek to provide at least the following support during the investigation:

- *Emotional support*: accompaniment to occasions for the identification of the accused and to other criminal justice interviews, accompaniment to evidentiary examinations, accompaniment of victims for the identification of bodies, the crime scene and evidence.

- *Direct assistance*: assistance with prompt return of property, victim compensation, restitution, protection orders, shelters or safe places available for victims.
- *Information*: at first contact with the criminal justice system and the suspect (as appropriate in the jurisdiction) provide information on the progress of the investigation, information on the criminal justice process, information on the rights of the victim at the scene of the crime; later in the criminal process, provide information on detention of the suspect, bail, bond, measures to assure reparation, the protection of evidence for forensic examination, information on medical assistance at the forensic examination, and information on the prevention of further victimization.

In addition, victim support programs should seek where possible to provide the following support during the investigation:

- *Emotional support*: support in connection with notification of death.
- *Direct assistance*: cleanup of the crime scene, establishment of a process of identification of the offender in which the victim avoids direct confrontation, medical assistance at all forensics examinations, assistance in preparation of information on victim intimidation.
- *Information:* information on alternative courses of redress or remedies and identification of lead governmental agencies involved in investigation procedures.

Support During Prosecution and Trial

Victim support programs should seek to provide at least the following support during prosecution and trial:

- *Emotional support*: personal support through hearings, interviews, testifying, and trial.
- *Direct assistance*: coordination of victim appearances at hearings, interviews, and trial with the goal of minimizing the number of appearances, providing or reimbursing transportation or arranging, where applicable, for parking, assistance with restitution, assistance with victim participation in the criminal justice process (including implementation of all rights for presenting victim information at critical stages in the decision making), provision of safe places for victims separate from the accused and defence witnesses when they are attending hearings or interviews.
- *Information*: information on victim rights, the responsibilities of criminal justice personnel, and the relevant sanctions if these responsibilities are not met; information on the progress of the prosecution and the trial, including any proposals for plea agreements, diversion programs, or restorative community justice processes; information on what is expected of victims in the criminal justice process at each stage of the criminal justice proceedings.

In addition, victim support programs should seek where possible to provide the following support during prosecution and trial:

- *Emotional support*: referrals for trauma counseling; facilitation of group support when multiple victims are involved.
- *Direct assistance*: reimbursement for time away from work when required to testify, provision of appropriate clothing for victims, arrangements for child care at the courthouse for victims or appropriate arrangements for child care outside the courthouse, and ensuring that restitution, in principle, is requested in all cases.
- *Information:* information on the right of the victim to request publication of sentence.

Support after Case Disposition
Victim support programs should seek to provide at least the following support after case disposition:

- *Emotional support*: supportive counseling during any appellate process.
- *Direct assistance*: enforcement of restitution orders, assistance with participation at proceedings for the revocation of probation, or for parole, clemency or pardon hearings, where applicable.
- *Information*: information on the rights of the victim in the aftermath of case disposition on first contact after disposition, and information on the offender's status or release following case disposition.

In addition, and when the victim requests or consents to this, victim support programs should seek where possible to arrange for victim-offender services, such as victim-offender dialogue and mediation, victim education classes, and victim impact panels.

Training of Allied Professionals
Victim support program should seek to establish multidisciplinary task forces for the promotion of interdisciplinary approaches to victim assistance and to sponsor interdisciplinary training programs on victim issues, at least for police personnel and prosecutors.

In addition, victim support programs should seek, where possible, to identify all other professional groups that work directly with victims in the jurisdiction, and to design and implement preparatory educational programs on victim issues for students of those professions as well as training and education for active professionals. Such groups may include judges, correctional personnel, representatives of the media, school and university teachers and counselors, medical and hospital personnel, mental health providers, coroners or funeral directors, clergy, members of human rights commissions, and ombudsmen.

Public Education Services

Victim support programs should seek to develop and implement a public education plan.

In addition, victim support programs should seek where possible to work with the media to promote widespread public awareness of victim issues. They should also develop and disseminate standards of acceptable practice (a code of ethics) to protect victims from undue sensationalism and publicity which is likely to compound their victimization.

Prevention Services

Experience shows that for many, if not most, forms of crime, the best predictor of future victimization is past victimization; repeat victims are a substantial proportion of the caseloads for police and victim service agencies. Therefore, victim assistance programs should seek to integrate crime prevention programs as part of victim assistance strategies to prevent revictimization.

In addition, victim support programs should seek where possible to establish a victimization prevention committee with public and private agencies and informal organizations to coordinate a comprehensive strategy of victimization prevention (both on the individual and the institutional level), and to integrate victimization prevention information into media campaigns and the curriculum at all educational levels. Data gathered from victims and about the circumstances should be used to more accurately tailor crime prevention programs.

Establishing Standards of Good Practice and Codes of Ethics

In order to maintain a high level of service in the victim support program, written standards should be developed for individuals working with victims, as well as for individuals in their work with colleagues and allied professionals. Uniformity of standards is particularly important when providing services in international settings where persons and organizations from different countries must come together as a single team cooperating within the same code of ethics. (See appendix for examples)

Victim Services Branch

POLICY

The Victim Services Branch provides a 24-hour, 7-days-a-week initial crisis assistance service to all victims of crime/circumstance through on site volunteer assistants. While being sensitive to the needs of victims of crime, the crisis assistance service provides for immediate information, psychological/emotional support and referral to outside support agencies as required.

PROCEDURE

Police Officers

1. Officers should advise of the existence and purpose of Victim Services to all victims including:
   a. **Victims of Crime** - Each occurrence must be evaluated independently since the seriousness of the situation, in this context, is that which is perceived by the victim. For example, some victims may be terribly traumatised by a break and enter in which case Officers should refer them accordingly.
   b. **Victims of Circumstance** - Some situations which do not involve criminal offences still require Victim Services assistance, such as victims of a house fire, motor vehicle collision fatality or family member of a suicide victim.
2. Officers are encouraged to call Victim Services immediately. Officers who have obtained the victim's consent, may make the initial contact to Victim Services. When staff are not regularly available, the telephone number will be monitored by an answering service which will relay the message to one of the volunteers. When making the initial call, Officers shall relay the following information to the answering service:
   a. Name of victim(s)
   b. Location & telephone number where victim(s) can be reached.
   c. Type of offence, Occurrence Number and description of the situation, including whether it is safe or not.
   d. Telephone number where the Officer can be reached.

   The Officer shall wait for the Volunteer Team Leader to return the telephone call (which should only be a matter of minutes) and arrange for the volunteer support team to meet with, or speak with the victim(s).
3. If at the time of the offence/circumstance the victims decide not to have Officers make the initial call on their behalf, then Officers should encourage the victims to contact Victim Services on their own at a later time.
4. Officers shall provide the victim(s) with a Victim Services business card with the relevant information completed in the space provided on the card.
5. Officers shall only request a volunteer support team attend at the scene if it is considered safe and stable for the victim and the support team.

15. The Victim Services Branch shall be contacted from the scene when there is a child present who has witnessed the incident of domestic violence and who is under the age of fourteen. Consideration shall be given to notify the Victim Services Branch from the scene when the witnessing young person is older than thirteen.

16. Officers shall consider obtaining a taped copy of 911 telephone call if applicable. Seizure of such tapes are to follow the provisions of Policy and Procedure 5.1.01 (Communications Protocol).

17. In domestic violence cases where language is a barrier, the services of a cultural interpreter should be used. As a general rule, children or relatives of the victim and/or accused should not be used as interpreters.

18. In the interests of Officer and victim safety, and in ensuring that Police Officers remain as impartial observers (i.e. to prevent a breach of the peace), Officers should not assist victims or offenders with the physical removal of personal belongings when accompanying or departing with victims from their residence. It should be suggested that assistance be elicited from a friend or advocate.
    Officers shall submit an incident report in all property removal matters.

19. Officers shall conduct a full investigation into the circumstances surrounding the recantation of a victim of domestic violence. The victim should be interviewed to determine the reasons for the inconsistencies between current and previous statements. Officers should take a written notebook statement as per section (e) above. Results of the officer's investigation shall be documented on a supplementary report. Copies of the report and of the officer's notes shall be forwarded to the Crown Attorney. Whenever possible, the investigation into a recantation shall be assigned to the original investigating officer.

20. Officers shall attempt to contact the victim before their last shift prior to the court date to remind them of their appearance.

Arrest and Detention

1. In all cases where a violent offence has been committed, a weapon used or mentioned, or death and/or bodily harm has been threatened, and the offender has fled the scene; officers shall make every reasonable effort to apprehend the offender as soon as possible for the safety of the victim, the general public, and the police. A warrant shall be obtained as soon as practicable.

2. In cases of domestic violence, every attempt must be made to ascertain if there is a history of violence, abuse or mental illness, particularly against the same victim. Supporting documentation shall be provided where possible (i.e. faxed copies of previous incidents). Bail Oppositions should include a summary of evidence to confirm this history.

a. Victim Services will respond in the following situations:
   i. At the scene, when it is considered safe and there is no threat of immediate danger to any of the occupants.
   ii. When the scene is not safe, arrangements may be made for volunteer support teams to provide service at a shelter, a hospital, a police station or other suitable location.

b. Victim Services will not respond to the scene:
   i. When the accused/suspect whereabouts are unknown in cases such as wife assault.
   ii. When individuals present are under the influence of alcohol or drugs.
   iii. When an individual is threatening suicide.

6. Officers shall record on the Supplementary Report, the referral to or the involvement of Victim Services.
7. In situations where Officers are uncertain if there is a potential need for the role of Victim Services, Officers may contact staff directly during regular business hours for further clarification and guidance as to Victim Services' role.

Victim Services Branch

1. Victim Services staff shall provide short-term crisis intervention, support and referral when necessary.
2. Taking into account volunteer resources, and situational circumstances, Victim Services shall decide whether or not a Volunteer Team will attend at the scene and the Officer/victim shall be notified accordingly.
3. Volunteer Teams, in most cases will attend at the scene of an incident within 40 minutes.

Automated Information and Referral Service (AIRS)

Victims of crime or anyone affected by crime may telephone 1-888-579-2888, 24 hours a day, seven days a week from anywhere in Ontario to receive information through an automated voice tape, on the criminal justice system, from arrest and release procedures, through the court system, to the definitions of parole and probation.

Victim Notification Service (VNS)

Victims of crime or anyone affected by crime may telephone 1-888-579-2888, 24 hours a day, seven days a week from anywhere in Ontario to request or provide information on a specific adult offender in the Ontario corrections system. Callers can leave a voice message, which will be returned within the next business day by a representative of the Ministry of the Solicitor General and Correctional Services.

R. Middaugh

Robert B. Middaugh
Chief of Police

OFFICE FOR VICTIMS OF CRIME MAY 1999 SUBMISSION TO THE SUB COMMITTEE OF THE COMMONS STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS IN RELATION TO THE CORRECTIONS AND CONDITIONAL RELEASE ACT

INTRODUCTION

Since it's passage in 1992, the *Corrections and Conditional Release Act* (CCRA) has been the cornerstone of sentence administration in Canada. As such, it has profound impact on both the potential for preventing the commission of future crimes and on how victims of crime are treated following the conviction and sentencing of the offender. Crime victims are truly involuntary participants in the justice system but recognition of their role continues to evolve.

This submission therefore will focus on the twin objectives of our Office in its work on behalf of victims of crime. First, what improvements can be made to the CCRA or related legislation to improve how victims of crime deal with the corrections and parole process as it impacts on them. Second, and of equal importance, what improvements can be made to the CCRA or related legislation to reduce the likelihood of future victimization of others. In that sense, this second objective is both crime prevention by reducing the opportunities of identifiable offenders to commit future crimes, and victimization prevention by taking active steps either legislatively or in policy to prevent future victims from arising.

A review of the CCRA at this point is indeed timely. Apart from the original commitment to do so after five years of operation, federal sentence administration is universally recognized as a key factor in maximizing or jeopardizing public safety. As well, this review does not occur in a vacuum. Rather, it co-exists within continued legislative progress in newly introduced victims rights legislation and recently enacted targeted high-risk offender reforms (Bill C-55), revision to judicial review procedures (Bill C-45), strengthening sentence calculation and detention provisions (Bill C-45) and legislative action to significantly improve securing forensic evidence for the most serious offences (Bill C-3). The legislative track record since the passage of the CCRA has, in many ways, been impressive. It has recognized and then focused on the reality within the Canadian criminal justice system (and no doubt elsewhere) that a disproportionately small number of offenders are responsible for a disproportionately large number of offences. Applying different measures, *based on this repeated criminality*, quite simply reduces crime and, as a consequence, future victimization.

It is, for example, no accident that the increase in detention pursuant to the CCRA since 1993 has corresponded with a decrease in the number and rate of most serious violent crimes. We invite the Committee to carefully explore the empirical data (including the lower recidivism rates for detained offenders compared to paroled offenders) and reach its own conclusions as to effective crime prevention measures free from interpretation by Correctional officials. The object of the corrections/parole exercise should be fewer new crimes and new victims not self-justification or maintenance of the status quo and its various vested interests.

While the legislative track record is cause for optimism, the same must now be seriously questioned insofar as the administrative focus of Correctional officials is concerned. It is our view, expanded on in this report, that the important principle mandated by Parliament in Section 4 of the CCRA to guide Corrections officials in their duties, is now seriously in jeopardy. That section makes clear,

"...that the protection of society be the paramount consideration in the corrections process..."

We urge this Committee to keep that principle at the forefront of its deliberations and, in particular, as it reviews current Correctional Services of Canada (CSC) practices, in analyzing whether Parliamentary direction has stealthily succumbed to unauthorized, unwise, internal administrative imperatives.

We are confident that measured, prudent and targeted improvements to the federal corrections and conditional release process are attainable. Such improvements, as detailed below, will add vigor to the growing recognition of the appropriate interests of persons victimized by crime and, at the same time, enhance public safety by legitimately reducing opportunities for future crime to occur.

VICTIM INFORMATION AT OFFENDER HEARINGS

An important advancement in the development of the justice system has been the Victim Impact Statement. Our Office is of the view, however, that steps must now be taken to ensure that further enhancements are achieved. If Victim Impact Statements are recognized as being important and appropriate, then ensuring that victims have the opportunity to provide such statements is equally valid. Finally, artificial barriers to the effective reception of the information in a victim impact statement need to be removed. Accordingly our Office, with others, has made suggestions for expanding the use of Victim Impact Statements in the *Criminal Code* in the context of the current Bill on Victims Issues before Parliament (Bill C-79). In addition to that, we believe it is finally time to accord to crime victims what has been the right of offenders and those who assist them: *the right to be heard should they choose to be.*

The current practice of a victim sitting in the hearing as an "observer" is artificial and unjustified. The scope of such statements could be confined to the impact of the crime and its consequences for the victim (similar to the Victim Impact Statement in the *Criminal Code*) which would preclude the introduction of new "allegations" against the offender. Further, this kind of a process would in no way create a 'right of cross examination' for the offender but would, as is now the case with all information presented, simply mean the offender was entitled to respond to what had been placed before the Board. Indeed, such a process may not only endow those victims that choose to participate with a legitimate, but restricted, voice, but also provide the Board with valuable insight into what is, and must be, a subjective decision.

Accordingly, we recommend the enactment of the right of victims to give oral or written Victim Impact Statements at any conditional release or transfer hearing pursuant to the *Corrections and Conditional Release Act.*

Like any other process within the administration of justice, ensuring that persons involved in it have access to relevant information is a cornerstone of fairness. If it is accepted that victims of crime should have some measure of participation in conditional release decisions then that participation should be an informed one. Accordingly, Section 26 of the CCRA should be reviewed to assess what additional information should be supplied to victims but while some personal offender information should be protected, institutional conduct or activity relevant to risk should be released.

Further, basic data like dates for release hearings, custody status and location such as contained in section 26(b) of the CCRA should only be withheld where there are reasonable grounds to fear for the offender's safety. Accordingly, Section 26 of the CCRA should be amended as detailed below.

RECOMMENDATION 67: Section 26 of the Corrections and Conditional Release Act be amended by eliminating sub paragraph (b) and converting sub sections (i) through (vii) of sub paragraph (b) to numbers (v) through (xi) of sub paragraph (a) and adding the following after sub section (xi):

> ***"(xii) any information of institutional offences or misconduct,***
>
> ***(xiii) any courses, training treatment or assessments in relation to the offender relevant to risk assessment***
>
> ***(1.1) Notwithstanding sub section (1), the Commissioner may refuse to release any information to the victim where there are reasonable grounds to believe that disclosure of such information will pose a risk to the safety of the offender.***
>
> ***(1.2) Where the Commissioner refuses to disclose information pursuant to sub section (1.1), notice of the reasons for the refusal shall be provided to the victims."***

***RECOMMENDATION 68:** The Corrections and Conditional Release Act is amended by adding the following after Section 26:*

***"26.1** The provisions of section 722 of the Criminal Code apply mutatis mutandis to any hearing for conditional release of any kind, detention or transfer of an offender pursuant to this Act."*

AN EXPANDED ROLE FOR THE CORRECTIONAL INVESTIGATOR

Section 167 of the CCRA sets out the scope of the office or mandate of the Correctional Investigator. In essence, the Investigator is confined to dealing with issues arising from, "…problems of offenders…". While the concept of a fully empowered office to investigate complaints or issues generated by offenders is of some value, there is even greater relevance for such authority to investigate the actions of CSC officials on behalf of victims of crime and correctional employees.

The alternative to a full and proper investigation of CSC or National Parole Board (NPB) activities wherein federal offenders commit new crimes has been to date, either self serving self-examinations known as Sensational Incident Reports or, provincial inquests. In one rare instance, a federal inquiry under the *Inquiries Act* was ordered (the *Weir Inquiry* into the Daniel Gingras case in 1990). While there has usually been federal co-operation into provincial inquests (*Tema Conter*, *Christopher Stephenson*), that is by no means a certainty and there is no reason why such responsibility should be forced onto a provincial jurisdiction. What is required is clear: expansion of the mandate of the Correctional Investigator to include the not infrequent and legitimate attempt by crime victims to pierce the formidable veil of secrecy, which permeates Canada's correctional and parole systems.

***RECOMMENDATION 69:** Repeal section 167(1) of the Corrections and Conditional Release Act and replace it with the following:*

"It is the function of the Correctional Investigator to conduct investigations into issues arising from the activities or decisions of any employee, including the Commissioner of Correctional Services of Canada and or the National Parole Board, as may be raised by offenders, correctional staff or victims as defined by this Act."

***RECOMMENDATION 70:** Repeal section 167(2)(a)(ii) of the Corrections and Conditional Release Act*

PREVENTING OFFENDER CONTACT WITH VICTIMS OF CRIME

Section 95 of the Regulations pursuant to the CCRA provides a generic authorization to the head of an institution to prevent an inmate from communicating with any person. Rather than amend the Act to specify this protection applies to victims, it is suggested that administrative measures are likely to be more successful in preventing this abuse. Measures such as notification of victims by CSC on all communication and inclusion of this option as available on CSC/NPB literature are recommended.

RECOMMENDATION 71: The Solicitor General of Canada direct both the Correctional Services Canada and the National Parole Board to take administrative measures including insertion of notice of offender non-contact remedies into all victim publications and communications.

REFORMING SENTENCE CALCULATION

As noted earlier, it is an undeniable reality of the Canadian criminal justice system that a disproportionately small number of offenders are responsible for a disproportionately large number of offences. Targeting this group by focusing defined negative consequences for offenders that commit new offences while on parole will significantly reduce future victimization by, literally, reducing the opportunities for these persons to commit new crimes.

Although this process of calculating conditional release eligibility for persons convicted of offences while on conditional release was improved in 1995 (as a result of former Justice Committee recommendations), sentence calculation remains needlessly complicated. The effect of this complexity is frequently release eligibility that is well in advance of what was intended or contemplated.

We urge the Committee to determine what it feels should be the impact of a new sentence received for a crime committed while on conditional release and then examine sections 120, 120.1 and 139 of the CCRA to see if they accomplish the goal. Artificially "merging" sentences is a statutory creation and can (and should be) eliminated if it is an obstacle to achieving the desired intent Parliament views as required for such new sentences. Further, introducing clarity to sentencing in such cases will go a long way to restoring what has come to be known as truth in sentencing. And the public confidence that goes with it.

We recommend that offenders that violate a conditional release by committing new crimes should face three consequences:

- completion of the original sentence in full;
- service of the new sentence commencing on the day it was imposed;
- ramifications for future conditional release eligibility.

RECOMMENDATION 72: Repeal section 139(1) of the ***Corrections and Conditional Release Act*** ***and replace it with the following:***

"Notwithstanding any other provision of this Act, where a person sentenced to a term of imprisonment is, before the expiration of that person's sentence or sentences, sentenced to an additional term of imprisonment, the original sentence shall be served in full without further eligibility for conditional release of any kind and that new sentence shall,
(a) if ordered to be served concurrently to the earlier sentence, commence on the day the new sentence was imposed for the purposes of calculating eligibility for any form of conditional release under this Act, or
(b) if ordered to be served consecutively to an earlier sentence, the earlier sentence shall be served in its entirety without further eligibility for conditional or statutory release of any kind before the completion of the original sentence and there shall be no eligibility for any form of conditional release under this Act until the expiration of two thirds of the new sentence."

STRENGTHENING CONSEQUENCES FOR CRIMES COMMITTED WHILE ON CONDITIONAL RELEASE

If it is logical to differentiate between granting offenders conditional release and considering their past criminal history, then it is entirely logical to differentiate among offenders as to their eligibility based on the same information which includes past performance on conditional release. It has been acknowledged by virtually all parties within the uncertain world of corrections and parole that past behaviour is the best indicator of future conduct. Surely then, it is appropriate that persons that commit new crimes in violation of the trust implicit in a grant of conditional release face a consequence directly linked to whether such trust is available to them in the future. It must also be remembered that the current universal applicability of conditional release eligibility translates into a non-productive use of scarce resources by holding hearings for inmates with little prospect of success. Further, such a process inherently creates the 'wearing down' effect on Parole Boards which has been identified in past instances of parole grants gone wrong. Finally, being clear that violating conditional release by committing new crimes will have a *mandatory* negative effect on future chances to be released from custody early, will send a message of deterrence to that small but significant group of recidivist offenders.

There are any number of ways to accomplish this goal but it might be met by a first offence on parole equaling full remnant service and no eligibility until expiration of 1/2 of the new sentence. A second instance of offence while on conditional release with service of remnant and 2/3 of new sentence and the third offence being remnant and full sentence being served with no future eligibility for conditional release of any kind in the future. The deterrent effect of these provisions, targeted as they are, should not be underestimated.

CREATING THE OFFENCE OF BREACH OF CONDITIONAL RELEASE

Recognizing the significance of conditional release by making breach of it a separate offence has long been recommended by police organizations. As well, such an offence would permit the arrest without warrant for it by a police officer, which is currently unauthorized. Officers are instead required to attempt to access a 24/7 CSC service and gain their decision to revoke the conditional release and issue a warrant. Not only is this an unnecessarily cumbersome, lengthy and more costly process but, given the internal CSC decision to not return offenders in violation of their conditional release, potentially counter productive to the safety supposedly achieved through the imposition of conditions.

Further, if breaching a probation order for shoplifting is an arrestable offence, it is hard to fathom the logic of why breaching a conditional release order for murder should not be. Finally, there is currently no record kept of such violations (other than CSC internal files) which would be extremely valuable in such decisions as bail, sentencing or future conditional release.

RECOMMENDATION 73: Amend Section 145 of the Criminal Code to create the offence of breach of a condition of any form of conditional release.

INCREASED JURISDICTION OF THE NATIONAL PAROLE BOARD

While discretionary conditional release of most offenders makes good sense as a method of re-integration into society, mandatory application of the release does not. The mere passage of time does not ensure acceptable risk and we should ensure that a desire for some supervision does not in reality become just a head start to commit new offences. Accordingly, we suggest eliminating the current statutory release process and replacing it with expanded jurisdiction of the NPB to consider granting early release. Statutory entitlement to early release makes even less sense for offenders that have violated past conditional releases.

In the alternative, we urge the Committee to explore whether the NPB should be granted the power to detain persons whether CSC makes a referral for detention or not. Neither Joe Fredericks nor John Richardson, for example, were even referred by CSC and thus the NPB had no authority to deny release. Again, removing the exclusive decision making power in this area from CSC would appear necessary given their clear intention to reduce the number of persons referred for detention. This compromise of responsibility is only possible in the closed-door unaccountable system currently created by the CCRA.

RECOMMENDATION 74: Either eliminate statutory release or amend the Corrections and Conditional Release Act to permit detention without Correctional Services Canada referral.

CONSECUTIVE INELIGIBILITY PERIODS FOR MULTIPLE MURDERERS

Our Office, along with others, have suggested that the issue of parole eligibility for persons convicted of more than one murder merits revision. A discretionary option to permit consecutive ineligibility periods for multiple homicides would be a welcome addition to the current parole provisions, which needlessly create the sense of second, third or subsequent victims not "counting" when the sentence is imposed. The amendment below would address this legitimate concern.

RECOMMENDATION 75: Part XXIII of the Criminal Code is amended by adding the following after section 745(1):

"Notwithstanding any other provisions of this Act or any provision of the Corrections and Conditional Release Act, where a person has been convicted of more than one count of either first or second degree murder or has been convicted of either first or second degree murder and has a previous conviction for either of first or second degree murder, the Court may direct that the parole ineligibility period referred to in sub-section (1) (a), (b) or (c) be served consecutively."

CANADIAN POLICE INFORMATION CENTRE (CPIC) ENHANCEMENT

Anyone who has attended conditional release hearings will appreciate that while past conduct on previous early releases is crucial information, no systemic focus has been directed to produce a record to specifically highlight this information. Our understanding is that Canadian Police Information Centre (CPIC) is about to undergo a significant upgrade and thus the time may be appropriate to seek this important enhancement.

RECOMMENDATION 76: That the Solicitor General of Canada direct the Commissioner of the Royal Canadian Mounted Police and the National Police Services managed by them to forthwith develop a revision to the Canadian Police Information Centre which will distinctively identify all future offences committed by an offender while on bail, probation or conditional release of any form.

EXPANDING THE SCOPE OF C-3 (DNA DATA BANKS) TO PERSONS IN CUSTODY

While the passage of DNA Data Bank legislation represented a significant advancement in public safety, the severely restrictive application of the Bill to persons in custody should be reviewed. The issue is not simply to forecast recidivist futures but to equally investigate unsolved pasts based on already proven criminal conduct. It is quite literally akin to going to get a new set of fingerprints (authorized currently by the *Identification of Criminals Act*) only with a Q-Tip instead of ink impressions. We urge the Committee to review the extensive recommendations made to it by both the Canadian Police Association (CPA) and the Canadian Association of Chiefs of Police (CACP) during consideration of Bill C-3. Our suggestion is that the following could, and should, be done by amendment to either the CCRA or *Criminal Code*:

RECOMMENDATION 77: Extend the application of mandatory samples from persons in custody to all those serving sentences for Scheduled Offences.

RECOMMENDATION 78: Permit entry into the DNA Data Bank all samples given voluntarily by persons charged with an offence or in custody seeking conditional release.

ENSURING CONFORMITY BETWEEN THE CCRA AND THE PRISONS AND REFORMATORIES ACT

Notwithstanding provincial jurisdiction for the service and administrative responsibility for a sentence of less than two years, legislative administration of such sentences is federally governed pursuant to the *Prisons and Reformatories Act*. Ontario maintains its own Board of Parole and thus has decision-making responsibility over offenders. What is missing, however, is the authority enjoyed by federal correctional and parole officials, to require select defined offenders to serve their entire sentence. To do this section 129 of the CCRA needs to be applied to the *Prisons and Reformatories Act.*

RECOMMENDATION 79: The Prisons and Reformatories Act is amended by adding the following after Section 6:

> ***"6.1 Notwithstanding any other provision of this Act of the Corrections and Conditional Release Act, section 129 and 130 of the Corrections and Conditional Release Act apply mutatis mutandis to a sentence of less than two years."***

THE 50/50 "QUOTA" CRISIS

Attached to this Brief is a series of materials in relation to an internal policy of "equalization" currently underway within Correctional Services of Canada. Equalization refers to a pre-determined goal of 50% of federal inmates out of custody by the year 2000. What is known internally as 'Operation Bypass' is the blueprint for achieving this artificial target. In case anyone is uncertain, what is being 'bypassed' are the provisions of the CCRA or, to put it in more lofty terms, the law.

Our Office as well as others have done what we can to expose this dangerous and clearly unlawful approach to corrections. The Commissioner of CSC and his Deputy, Mr. Reynolds, who authored one of the attached documents, need to be directly questioned on this ominous and seemingly unauthorized course of action. That duty properly resides with this Committee although we are more than prepared to assist in pointing out relevant inculpatory passages within the internal material.

Many of us, including at least one Member of the Committee, have seen the product of this kind of 'bending the rules' to achieve a desired goal approach before. The end result has been, and will be, the deaths of innocent Canadians if this flouting of the law continues. There are already instances of cases that harken back to the late eighties and early nineties when the Justice Committee was instrumental in shedding light on slipshod and outright dishonest practices committed in the name of corrections policy. Innocent Canadians literally became casualties of an out of control corrections system and we are gravely concerned that, once again, we are poised on the precipice should the Committee not take up its legislative duty to get straight answers from the most senior corrections officials.

RECOMMENDATION 80: This Committee should consider whether amendment to the Corrections and Conditional Release Act is required to stipulate that all information relevant to the risk posed by the offender, including institutional offences and past conduct on earlier release be included in any report on the offender sent to the National Parole Board.

RECOMMENDATION 81: This Committee should consider whether the Corrections and Conditional Release Act requires amendment to ensure that any breach of an enunciated duty by a Correctional Services Canada official constitutes an offence pursuant to section 126 of the Criminal Code.

CONCLUSION

The review of the CCRA is significant due to the ramifications this legislation has on offenders, crime victims, and the Canadian public. It is more than a little ironic, however, that while the legislative branch of government seeks to review its work, the executive branch seems to be finding ways to bypass it. If this larger matter of the rule of law is not decisively resolved, all the well-intentioned amendments in the world will have little consequence.

CPA
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PUBLIC SERVICE FIRST
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CANADIAN POLICE ASSOCIATION
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Canadian Police Association

RECORD

RCMP Contract Policing

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Canadian Police Association
RECORD

RCMP Contract Policing

By Dale Kinnear
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RCMP Contract Policing

Contract policing accounts for more than half the total deployed strength of the Royal Canadian Mounted Police. Individual contracts exist with 199 municipalities and all provinces and territories except Quebec and Ontario. The 1996 *RCMP Performance Report*, to Treasury Board Secretariat from the Solicitor General describes the service as; crime prevention, order maintenance, traffic enforcement, Criminal Code enforcement and the provision of emergency services. Contract Policing is one of the five service lines in the RCMP organizational structure and accounts for over ½ of RCMP expenditures.

In addition to these contracts the RCMP provides "*national police services*" and "*federal policing services*" in all provinces and territories. *National police services* are described as; forensic laboratory, identification, computerized police information, firearm's registration, intelligence and advanced training services to all Canadian police forces and some federal and provincial departmental law enforcement agencies. *Federal policing services* provide; policing, law enforcement, investigative and protective services to the federal government, its departments and agencies to assist in the protection of public health and safety, the environment, trade and commerce, revenue collection, national security, foreign missions and state officials [1]

When and where, and more importantly, how and why, did the *"federal police force"* become an agency for hire in provincial and municipal policing? How many members does it involve? Is there a cost to the Canadian taxpayer not receiving contract service from the RCMP? Does the program recover the full cost? Is it a good deal?

HISTORY

The *Constitution Act 1867*, legislates the administration of justice as a provincial responsibility. Interpretation of the legislation deems policing to be part of the administration of justice. Each province has its own statute relating to policing responsibility.[2] Eight of these ten statutes have specific sections allowing the RCMP to assume policing responsibility by means of individual municipal agreements or the provincial agreement. Only Newfoundland, Quebec and Ontario continue to maintain their own provincial police force.[*]

If there is a constant in Canadian policing, it is evolution. The municipal level evolved from the militia, to municipal police forces, and more recently, some of those have evolved to regional municipal police forces. At the provincial level, from the parish or local constable under the direction of the magistrate, to the provincial constable, independent from local control, to the provincial police force. The RCMP is no different.

History records western Canada as the birthplace of the North-West Mounted Police (NWMP) in 1873. The federal government sought to establish sovereignty and local control in territory being opened up by the new railroad. A sortie across the border by a group of American horse thieves, responsible for a massacre at a First Nation's camp, factored heavily in the decision. Illegal alcohol played a factor in that incident. Alcohol was a major factor in problems the government hoped to solve in the west. Issues involving Metis and First Nation's people were part of the mandate given this new force created to police the Northwest Territories. Concurrently, the Governor-in-Council was authorized to enter into an arrangement with Manitoba for the "use of, or employment of the police force" and in 1895 this authority was expanded to include all provinces.

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[*] The Royal Newfoundland Constabulary police three large municipalities and the RCMP are contracted to fulfill provincial responsibility elsewhere.

There were agreements between the Royal North-West Mounted Police (RNWP) and the provinces of Saskatchewan, Alberta and Manitoba prior to World War I for provincial police service. The RNWP were withdrawn from these duties due to the war. Alberta and Saskatchewan established their own forces. In 1920, the force was renamed the Royal Canadian Mounted Police. The Dominion Police were disbanded and the RCMP assumed responsibility for federal law enforcement. At that time they were deployed in the Yukon and Northwest Territories, but performed no provincial policing duties. The first formal provincial policing agreement was with Saskatchewan in 1928.[3]

Did alcohol play a factor in the RCMP entering the contract policing business? Governments changing attitude to alcohol in the early twentieth century did influence policing in Canada. The temperance movement and "prohibition" in the United States, and parts of Canada created a thriving smuggling industry. In Atlantic Canada, New Brunswick enforced prohibition from 1912 to 1927 and the *Intoxicating Liquor Act*, which outlawed taverns and bars, for years after. The main goal of the New Brunswick Provincial Police, formed in 1927, was to enforce that statute.[4]

Nova Scotia, New Brunswick and Prince Edward Island entered into a joint agreement with the RCMP in 1932. The desire, of officials of the federal Department of Justice, was explained by the New Brunswick Attorney General of the day as "part of a general scheme for the co-ordination of police duties throughout the Dominion." Provincial authorities wanted to establish permanent policing in unincorporated areas of the province. Provincial police forces had been tried and the RCMP was more cost effective. Consolidation and centralization of police services was the intent of the New Brunswick government when they created the office of provincial constable at the end of the nineteenth century; in 1927 when they created the New Brunswick Provincial Police; and when they entered into the first arrangement with the RCMP.[5]

Alberta and Manitoba also gave up on provincial policing in 1932. As in Atlantic Canada, their provincial police forces were merged with the RCMP. British Columbia began contracting

RCMP services in 1950, after disbanding the British Columbia Provincial Police.[*] Members of the B.C. Provincial Police were absorbed by the RCMP.[6]

The first municipal agreements were Flin Flon, Manitoba in 1935, under the authority of Order-in-Council P.C. 533 and Melville, Saskatchewan in 1937, on the same authority. In 1940 the federal government amended the *RCMP Act* to better define the statutory authority for entering municipal agreements. By 1946 they were policing 69 municipalities.[7]

What began to service unincorporated areas of provincial jurisdiction has evolved into more than 60 percent of RCMP responsibility. Although most contract provinces still have legislation on the books to allow a provincial force to be created, all statutes have clauses that transfer responsibility to the RCMP and authorize RCMP members to enforce provincial offences and municipal bylaws (bylaws related to law and order). Several statutes name the RCMP as the provincial police force, others authorize them to provide the service.[8] In British Colombia, the RCMP Commanding Officer is *"ex officio"* Commissioner of the provincial police.

British Columbia made preliminary steps toward re-establishing a provincial force in the early 1980's and abandoned the idea not long after. Justice Oppal revisited the idea in his extensive report on policing issues in B.C., released in 1994. Oppal recommends... *"investigating the establishment of a provincial police force."*[9] No apparent action has been taken on that recommendation. New Brunswick started a Provincial Highway Patrol in 1980, repealed the legislation in 1988, and replaced the patrol with a designated squad of RCMP officers. The RCMP absorbed some of the Highway Patrol members. Nova Scotia and New Brunswick have recently reclaimed responsibility for policing in parts of the province through formation of regional municipal departments. This cannot be taken as an indication that control is swinging back to the provinces, nor that they want it back, as evidenced by RCMP contract proposals in Moncton, New Brunswick and Kentville, Nova Scotia

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[*] One reason cited for the elimination of the B.C. Provincial Police was their intention to form a union

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RCMP CONTRACTS TODAY

As previously mentioned RCMP contract policing has two forms, the provincial contract and individual municipal contracts. The RCMP are under contract to the following municipalities in Canada. All contracts expire in 2012.

City	Per Officer Cost	Strength	%
P.E.I.			
Montague	79,891.59	3.00	0.70
Stratford	79,891.59	4.00	0.70
Nova Scotia			
Antigonish	81,140.04	8.00	0.70
Digby	81,140.04	5.00	0.70
Oxford	81,140.04	3.00	0.70
Parrsboro	81,140.04	3.00	0.70
Pictou	81,140.04	6.00	0.70
Port Hawkesbury	81,140.04	5.00	0.70
Shelbourne	81,140.04	4.00	0.70
Windsor	81,140.04	7.00	0.70
Yarmouth	81,140.04	16.00	0.70
New Brunswick			
Buctouche	84,201.68	3.00	0.70
Campellton	84,201.68	18.00	0.70
Cap-Pele	84,201.68	3.00	0.70
Hampton	84,201.68	4.00	0.70
McAdam	84,201.68	3.00	0.70
Minto	84,201.68	5.00	0.70
Neguac	84,201.68	3.00	0.70
Oromocto	84,201.68	14.00	0.70
Richibucto	84,201.68	3.00	0.70
Riverview	89,714.27	17.00	0.90
St. Andrews	84,201.68	3.00	0.70

City	Per Officer Cost	Strength	%
Manitoba			
Beausejour	82,808.87	3.00	0.70
Boissevan	82,808.87	2.00	0.70
Carman	82,808.87	3.00	0.70
Dauphin	82,808.87	13.00	0.70
Flin Flon	82,808.87	11.00	0.70
Gillam	82,808.87	4.00	0.70
Gimli	82,808.87	3.00	0.70
Killarney	82,808.87	3.00	0.70
Leaf Rapids	82,808.87	4.00	0.70
Minnedosa	82,808.87	4.00	0.70
Neepawa	82,808.87	4.00	0.70
Pinawa	82,808.87	2.00	0.70
Portage La Prairie	82,808.87	23.00	0.70
Roblin	82,808.87	2.00	0.70
Russell	82,808.87	2.00	0.70
Selkirk	82,808.87	16.00	0.70
Souris	82,808.87	2.00	0.70
Steinbach	82,808.87	8.00	0.70
Stonewall	82,808.87	3.00	0.70
Swan River	82,808.87	7.00	0.70
The Pas	82,808.87	15.00	0.70
Thompson	82,808.87	35.00	0.70
Virden	82,808.87	4.00	0.70
Saskatchewan			
Assiniboia	79,119.95	3.00	0.70
Battleford	79,119.95	5.00	0.70
Biggar	79,119.95	3.00	0.70
Canora	79,119.95	3.00	0.70
Crieghton	79,119.95	2.50	0.70
Esterhazy	79,119.95	3.00	0.70
Fort Qu'appele	79,119.95	4.00	0.70
Hudson Bay	79,119.95	3.00	0.70
Humdoldt	79,119.95	6.00	0.70
Indian Head	79,119.95	2.00	0.70
Kamsack	79,119.95	5.00	0.70
Kindersley	79,119.95	6.00	0.70
Lanigan	79,119.25	6.00	0.70

City	Per Officer Cost	Strength	%
Saskatchewan			
La Ronge	79,119.95	5.00	0.70
Lloydminster	83,249.82	24.00	0.90
Maple Creek	79,119.95	3.00	0.70
Meadow Lake	79,119.95	9.00	0.70
Melfort	79,119.95	7.00	0.70
Mellville	79,119.95	5.00	0.70
Moosomin	79,119.95	3.00	0.70
Nipawin	79,119.95	7.00	0.70
North Battleford	79,119.95	25.00	0.70
Outlook	79,119.95	2.00	0.70
Rosetown	79,119.95	3.00	0.70
Shaunavon	79,119.95	2.00	0.70
Swift Current	79,119.95	20.00	0.70
Tisdale	79,119.95	4.00	0.70
Unity	79,119.95	3.00	0.70
Wadena	79,119.95	2.00	0.70
Warman	79,119.95	2.00	0.70
Watrous	79,119.95	2.00	0.70
Wilkie	79,119.95	2.00	0.70
Wynyard	79,119.95	3.00	0.70
Yorkton	77,010.22	22.00	0.90
Alberta			
Airdrie	82,261.58	11.00	0.70
Athabasca	82,261.58	4.00	0.70
Banff	82,261.58	17.00	0.70
Barrhead	82,261.58	6.00	0.70
Beaumont	82,261.58	4.00	0.70
Bonnyville	82,261.58	8.00	0.70
Brooks	82,261.58	12.00	0.70
Canmore	82,261.58	8.00	0.70
Cardston	82,261.58	5.00	0.70
Claresholm	82,261.58	5.00	0.70
Cochrane	82,261.58	5.00	0.70
Crowsnest Pass	82,261.58	8.00	0.70
Devon	82,261.58	5.00	0.70
Didsbury	82,261.58	4.00	0.70
Drayton Valley	82,261.58	6.00	0.70
Drumheller	82,261.58	9.00	0.70

City	Per Officer Cost	Strength	%
Alberta			
Edson	82,261.58	10.00	0.70
Fairview	82,261.58	4.00	0.70
Fort Macleod	82,261.58	5.00	0.70
Fort McMurray	78,284.74	45.00	0.90
Fort Saskatchewan	82,261.58	15.00	0.70
Fox Creek	82,261.58	3.00	0.70
Grand Centre	82,261.58	5.00	0.70
Grande Cache	82,261.58	5.00	0.70
Grande Prairie	79,407.58	38.00	0.90
Grimshaw	82,261.58	3.00	0.70
Hanna	82,261.58	4.00	0.70
High Level	82,261.58	7.00	0.70
High Prairie	82,261.58	6.00	0.70
High River	82,261.58	7.00	0.70
Hinton	82,261.58	13.00	0.70
Innisfail	82,261.58	7.00	0.70
Lac La Biche	82,261.58	5.00	0.70
Leduc	82,261.58	16.00	0.70
Morinville	82,261.58	6.00	0.70
Okotoks	82,261.58	7.00	0.70
Olds	82,261.58	6.00	0.70
Peace River	82,261.58	8.00	0.70
Pincher Creek	82,261.58	5.00	0.70
Ponoka	82,261.58	7.00	0.70
Raymond	82,261.58	3.00	0.70
Red Deer	81,686.92	80.00	0.90
Redwater	82,261.58	3.00	0.70
Rimbey	82,261.58	3.00	0.70
Rocky Mountain House	82,261.58	10.00	0.70
Sherwood Park	78,849.25	41.00	0.90
Slave Lake	82,261.58	9.00	0.70
Spruce Grove	82,261.58	14.00	0.70
St. Albert	79,106.53	40.00	0.90
St. Paul	82,261.58	9.00	0.70
Stettler	82,261.58	6.00	0.70
Stony Plain	82,261.58	7.00	0.70
Strathmore	82,261.58	5.00	0.70

City	Per Officer Cost	Strength	%
Alberta			
Swan Hills	82,261.58	3.00	0.70
Sylvan Lake	82,261.58	6.00	0.70
Three Hills	82,261.58	3.00	0.70
Valley Hills	82,261.58	5.00	0.70
Vegreville	82,261.58	7.00	0.70
Vermillion	82,261.58	5.00	0.70
Wainwright	82,261.58	6.00	0.70
Westlock	82,261.58	7.00	0.70
Wetaskiwin	82,261.58	17.00	0.70
Whitecourt	82,261.58	9.00	0.70
British Columbia			
Burnaby	79,295.75	229.00	0.90
Campbell River	78,555.07	39.00	0.90
Castlegar	77,167.04	10.00	0.70
Chilliwack	79,501.26	77.00	0.90
Coldstream	77,167.04	5.00	0.70
Colwood	77,167.04	13.25	0.70
Comox	77,167.04	9.00	0.70
Coquitlam	77,015.31	98.00	0.90
Courtney	77,167.04	23.00	0.70
Cranbrook	79,134.96	24.00	0.90
Dawson Creek	77,167.04	21.00	0.70
Fort St. John	77,167.04	25.00	0.70
Kamloops	79,528.31	99.00	0.90
Kelowna	78,409.76	110.00	0.90
Kimberly	77,167.04	8.00	0.70
Kitimat	77,167.04	15.00	0.70
Langford	77,167.04	22.59	0.70
Langley City	81,164.17	38.05	0.90
Langley Township	81,164.17	79.95	0.90
Mackenzie	77,167.04	8.00	0.90
Maple Ridge	78,048.66	66.00	0.90
Merritt	77,167.04	10.00	0.70
Mission	80,950.46	42.00	0.90
Nanaimo	77,214.77	107.00	0.90

City British Columbia	**Per Officer Cost**	**Strength**	**%**
North Cowichan	73,151.13	25.00	0.90
North Saanich	77,167.04	8.00	0.70
North Van. City	80,595.01	59.00	0.90
North Van Dist.	80,595.01	92.00	0.90
Parksville	77,167.04	11.00	0.70
Penticton	82,599.65	36.00	0.90
Pitt Meadows	77,167.04	15.00	0.70
Port Alberni	82,776.23	30.00	0.90
Port Coquitlam	77,015.31	45.00	0.90
Port Hardy	77,167.04	8.00	0.70
Powell River	77,167.04	18.00	0.70
Prince George	76,777.77	121.00	0.90
Prince Rupert	78,451.89	36.00	0.90
Qualicum Beach	77,167.04	6.00	0.70
Quensel	77,167.04	18.00	0.70
Revelstoke	77,167.04	11.00	0.70
Richmond	76,240.78	170.00	0.90
Salmon Arm	77,167.04	14.00	0.70
Sechelt	77,167.04	8.00	0.70
Sidney	77,167.04	12.00	0.70
Smithers	77,167.04	9.00	0.70
Squamish	77,167.04	24.00	0.70
Summerland	77,167.04	7.00	0.70
Surrey	78,232.58	348.00	0.90
Terrace	77,167.04	25.00	0.70
Trail	77,167.04	14.00	0.70
Vernon	80,323.36	40.00	0.90
View Royal	77,167.04	8.16	0.70
White Rock	78,386.11	21.00	0.90
Williams Lake	77,167.04	23.00	0.70

10

Provincial Contracts in Canada are accounted for as follows;

Province	**Per Officer Cost**	**Authorized Strength**	**%**
Newfoundland	121,593	407	0.70
P.E.I.	104,706	103	0.70
New Brunswick	113.646	453	0.70
Nova Scotia	106,375	662	0.70
Manitoba	118,051	597	0.70
Saskatchewan	112,883	744	0.70
Alberta	113,491	1,059	0.70
British Columbia	114,155	1,631	0.70
Northwest Terr.	190,964	225	0.70
Yukon Terr.	142,621	99	0.70

[11]

The provincial agreements were renewed in 1992 and expire in 2012. The provincial figures represent 100 % member cost. The province pays 70 %.

COST

Provincial contracts are calculated on a 70/30 cost sharing basis. The larger portion is paid by the province and the remainder is funded out of the RCMP budget, furnished from consolidated revenue funds.

Municipal contracts are calculated on a 70/30 basis for municipalities with a population under 15,000, and a 90/10 basis for municipalities over 15,000.

Some provinces have umbrella clauses, based on population, allowing municipalities to piggy-back on the provincial agreement and pay a municipal per capita or household rate for the service provided by the members of the provincial detachment.

Some provincial legislation establishes a population cut off whereby a municipality below the established figure does not pay for policing. The provincial agreement covers the cost. Others asses a cost to all municipalities. In 1995, Nova Scotia enacted policy that requires municipalities, previously receiving service at no charge under the provincial agreement, to pay for the local policing

portion supplied by the provincial detachment. In 1996, Nova Scotia applied cost recovery to those municipalities on direct contract benefiting from services supplied under the provincial agreement (e.g. portion of Detachment Commander cost).
Originally contracts were for a ten year period and the province or municipality was responsible for 40 % and the federal government for 60 %. This was the formula until 1957.[12] The cost increased gradually since 1957 and only just reached the 90 % and 70 % formula with the signing of the 1992 agreements. The Solicitor General declared in 1996 that future contracts with the RCMP will be based on 100 % recovery. There is no mention of compensation to the contracting agency for time and costs expended on federal enforcement. This issue will surface if the RCMP assume control over a large region. Canadians are demanding more regulatory control on tobacco, alcohol and firearms.

Contracting municipalities will have until 2012 to adjust to paying the full cost for RCMP services or determine if forming independent provincial, municipal or regional municipal departments is feasible and better value for the tax dollar. Decisions made between now and 2012 will be driven by the balance sheet.

No new contracts have been signed since 100 % cost recovery was announced by the federal government. If the Moncton region chooses RCMP regional municipal policing they will be the first to pay total cost.

The RCMP report total expenditures related to provincial and municipal contract policing at approximately $1.1 billion. The total revenue generated through 70 % and 90 % cost sharing arrangements is $740 million. In spite of a $360 million shortfall the arrangement is viewed as a benefit to the federal government. The federal government justifies this expenditure as *quid pro quo* for the "federal presence" and "federal enforcement" by RCMP members engaged in contractual duties.[13]

Justice Oppal reported that the RCMP provided the service for less than the cost of an independent municipal agency. Although Oppal had criticisms about, accountability, lack of local authority and control, their ability to adapt to the changes required to deliver community policing, his report spoke highly of the overall service delivery of the RCMP and public satisfaction in the province.[14] Oppalls' concerns about the lack of local control may fly in the face of the common law principle concerning independence of the police.

Using "Statistics Canada" population figures for 1996, and RCMP Finance and Supply expenditure information for 1996, the per capita cost of the shortfall is $12.48. The actual cost to provinces that do not contract RCMP services and municipalities in contract provinces that maintain their own police force is a matter that will require detailed actuarial calculation. This question will be the subject of the next report on the RCMP contract policing issue.

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[1] ***Performance Report, Royal Canadian Mounted Police***, Solicitor General of Canada to Treasury Board Secretariat 1996, pg. 4.

[2] B.C. ***Police Act***, R.S.B.C. 1979, c. 331.1, enacted as S.B.C. 1988, c. 53, which repealed the ***Police Act***, R.S.B.C. 1979, c. 331; Alta.: ***Police Act***, S.A. 1988, c. P-12.01, which replaced the ***Police Act***, R.S.A. 1980, c. P-12; Sask.: ***Police Act***, S.S. 1990-91, c. P-15.01, which replaced the ***Police Act***, R.S.S. 1978, c. P-15; Man.: ***Provincial Police Act***, R.S.M. 1987, c. P150 and the ***Law Enforcement Review Act***, R.S.M. 1987, c. L75; Ont.: ***Police Services Act***, R.S.O. 1990, c. P.15; Que.: ***Police Act***, R.S.Q. 1977, c. P-13; Nfld.: ***Royal Newfoundland Constabulary Act***, 1992, R.S.N. 1990, c. R-17; N.B.: ***Police Act, 1977***, S.N.B. 1977, c. P-9.2; N.S.: ***Police Act***, R.S.N.S. 1989, c. 348; P.E.I.: ***Police Act***, R.S.P.E.I. 1988, c.P-11.

[3] **Royal Canadian Mounted Police, Pay Council, 1997 Annual Report**, pg. 3.18, 3.19, 3.20.

[4] ***New Brunswick Policing Study: Service Delivery, Municipal Policing Component***, Department of the Solicitor General, New Brunswick 1991, pg. 24.

[5] ***New Brunswick Policing Study: Overview***, report of Asst. Deputy Solicitor General, Province of New Brunswick 1993, pg.4, 5, concerning: ***Policing Arrangements in New Brunswick: 2000 and Beyond***, by Professor Alan Grant 1992.

[6] ***CLOSING THE GAP: Policing and the Community, THE REPORT Vol 1***, Commission of Inquiry into Policing in British Colombia 1994, Justice Wallace T. Oppal, pg. B-13.

[7] **Royal Canadian Mounted Police, Pay Council, 1997 Annual Report**, pg. 3.20

[8] See B.C., s. 5 (provincial police) and s. 14 (R.C.M.P. to act), Man., s. 2 (provincial police) and s. 15(1) (R.C.M.P. to act), N.S., s. 10(1) (provincial police) and s. 11(1) (R.C.M.P. to act), P.E.I., s. 1 (provincial police) and s. 15(1) (R.C.M.P. to act). Alberta has merely authorized the R.C.M.P. to provide provincial service (s.21(1)), as has Saskatchewan(s. 21(1) and New Brunswick (s. 2(1)

[9] ***CLOSING THE GAP: Policing and the Community, THE REPORT Vol 2***, Commission of Inquiry into Policing in British

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Columbia 1994, Justice Wallace T. Oppal, pg. J-43, # 317.

[10] Finance and Supply, RCMP Headquarters, Ottawa, September 1996.

[11] *Supra.*

[12] **Royal Canadian Mounted Police, Pay Council, 1997 Annual Report,** pg. 3.19

[13] Finance and Supply, RCMP Headquarters, Ottawa, September 1996.

[14] ***CLOSING THE GAP: Policing and the Community, THE REPORT Vol 1*** 1994, Justice Wallace T. Oppal, pg. xxxi.

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21.Inquest Touching The Death of Christopher Stephenson, Jury Verdict and Recommendations, Office of the Chief Coroner, Coroners Building, 2nd Floor, 26 Grenville St., Toronto, ON.

22.Inquest Touching The Death of Nina De Villiers, Jury Verdict and Recommendations, Office of the Chief Coroner, Coroners Building, 2nd Floor, 26 Grenville St., Toronto, ON.

23.Inquest Touching The Death of Tema Conter, Jury Verdict and Recommendations, Office of the Chief Coroner, Coroners Building, 2nd Floor, 26 Grenville St., Toronto, ON.

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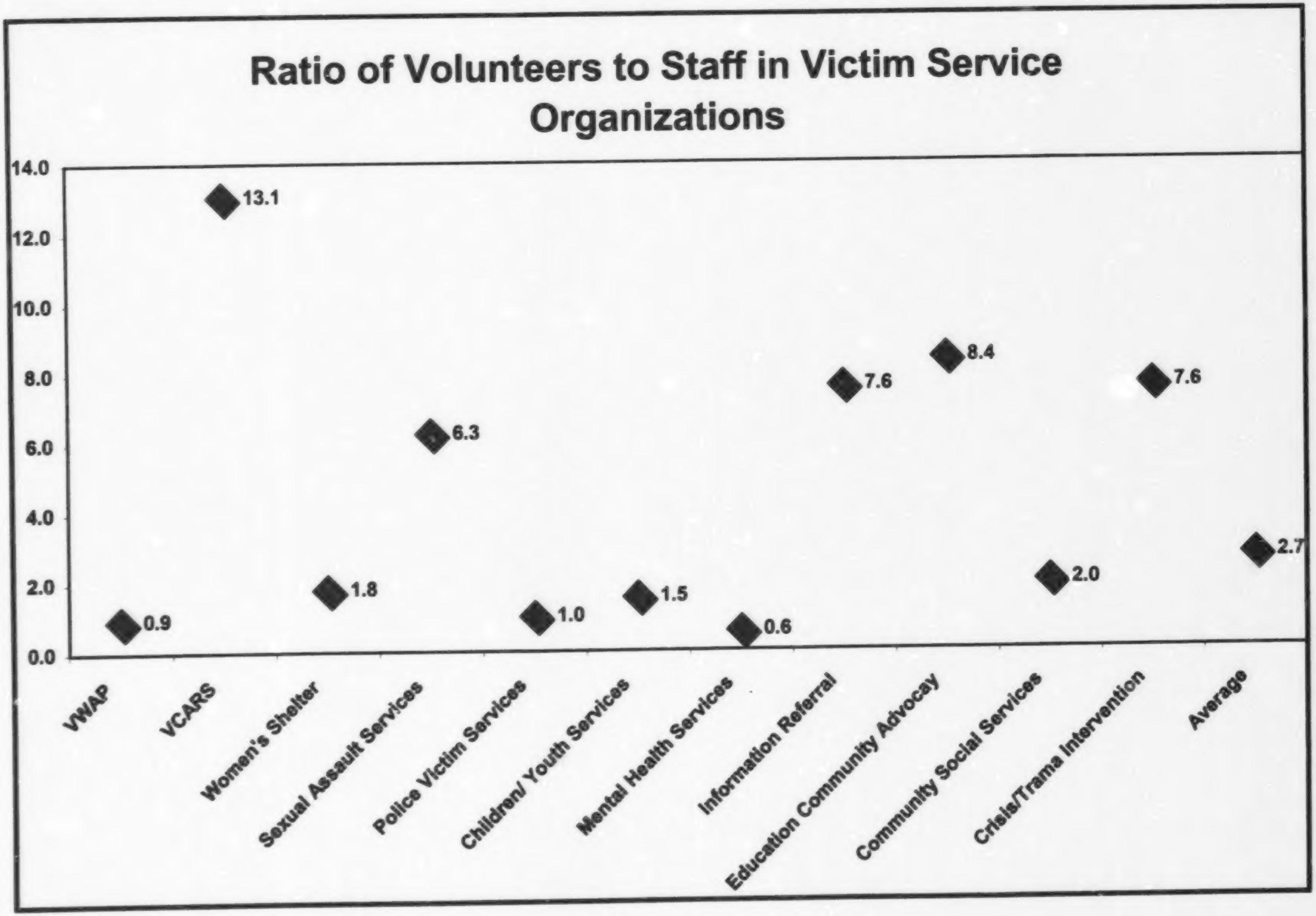
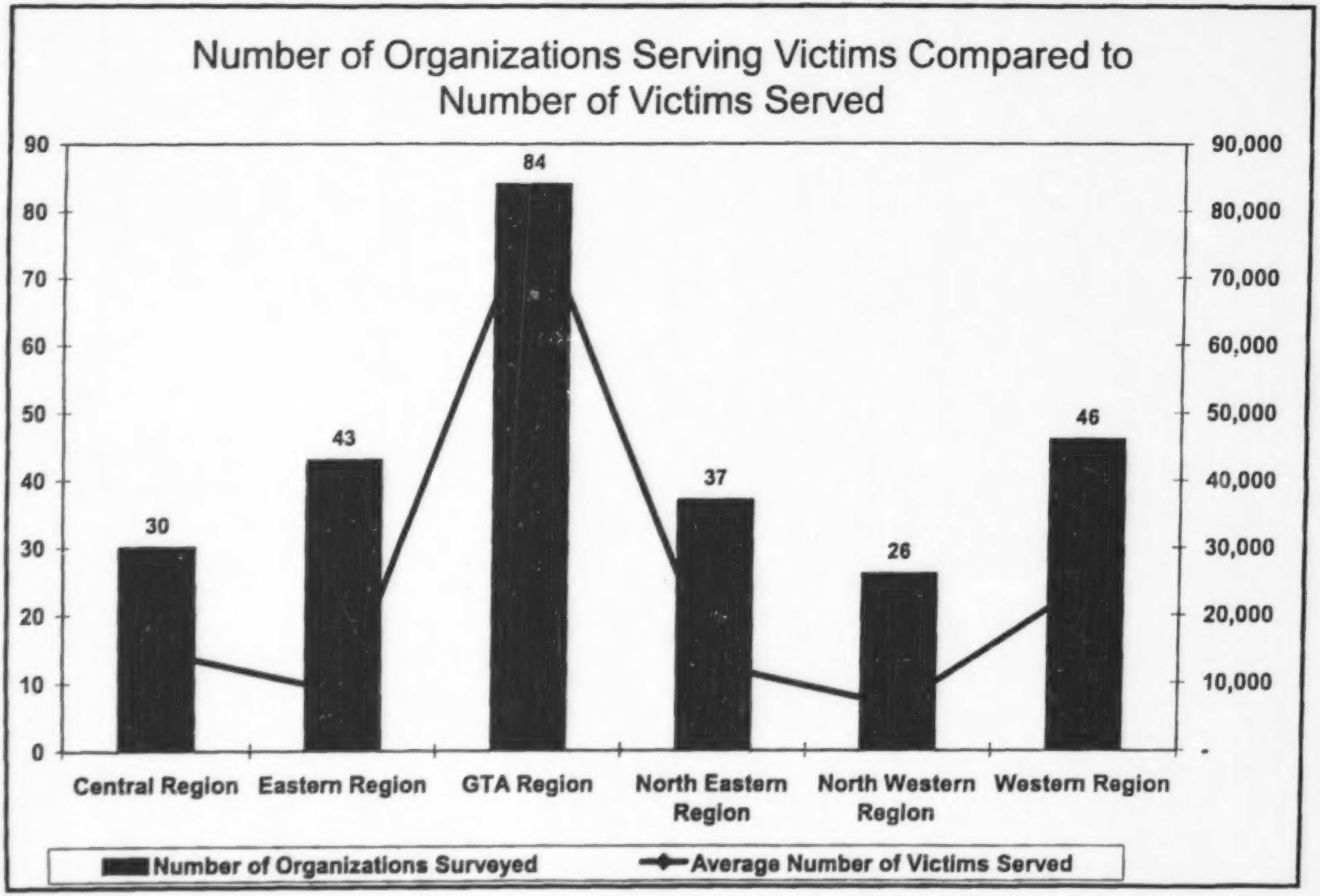
CHARTS

Ratio of Volunteers to Staff in Victim Service Organizations

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60
50
40
30
20
10
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90,000
80,000
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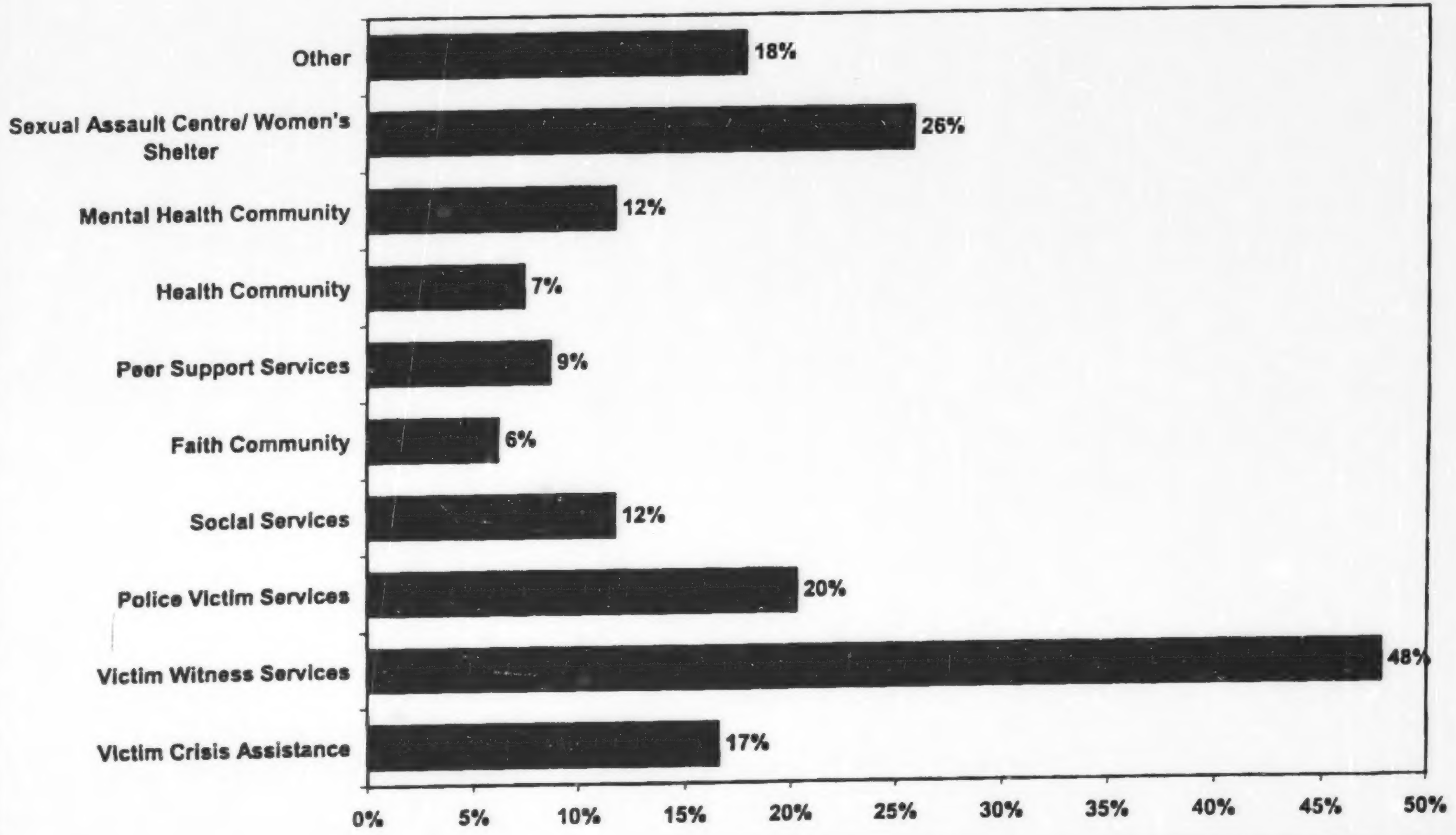
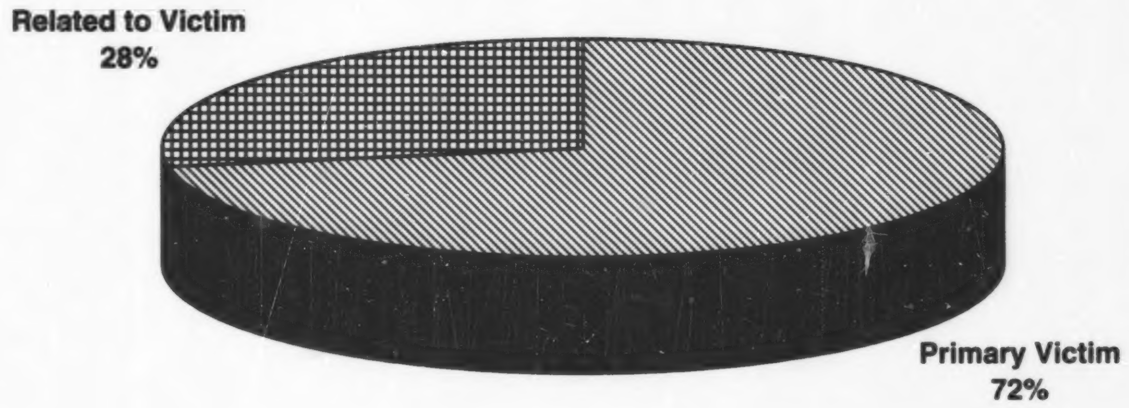
60,000
50,000
40,000
30,000
20,000
10,000
-
30
43
84
37
26
46
Central Region
Eastern Region
GTA Region
North Eastern Region
North Western Region
Western Region
Number of Organizations Surveyed
Average Number of Victims Served

Types of Services Received by Victims in Survey

(note: some survey respondents reported multiple services)

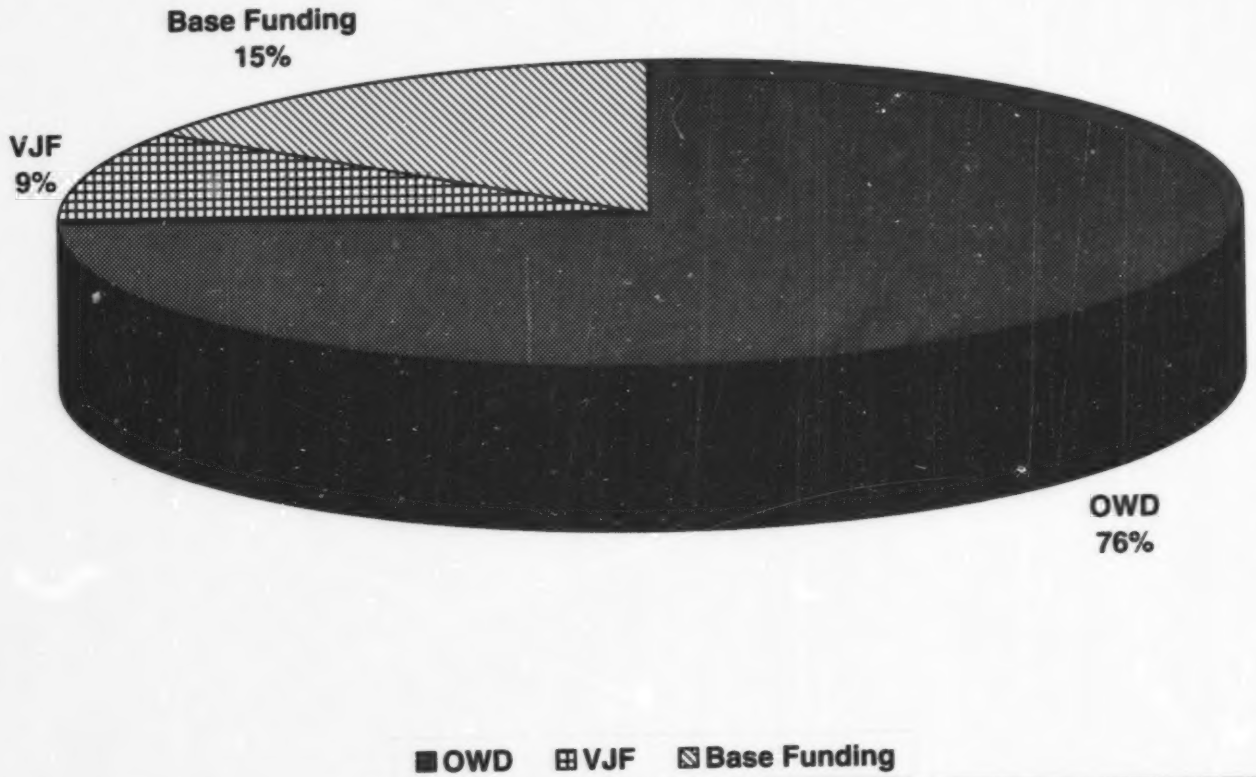


Breakdown of Victims in Survey By Primary Victim or Relation to Victim



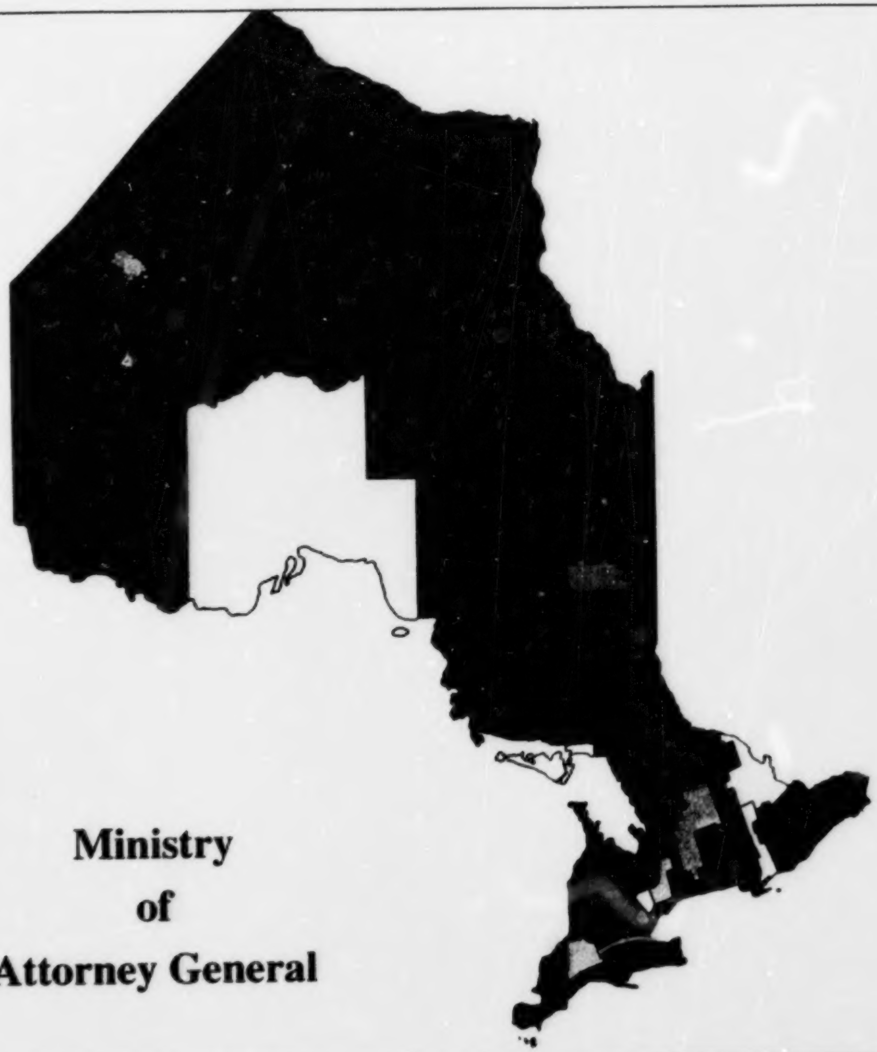
Types of Provincial Spending on Victim Services

(in $'s million)

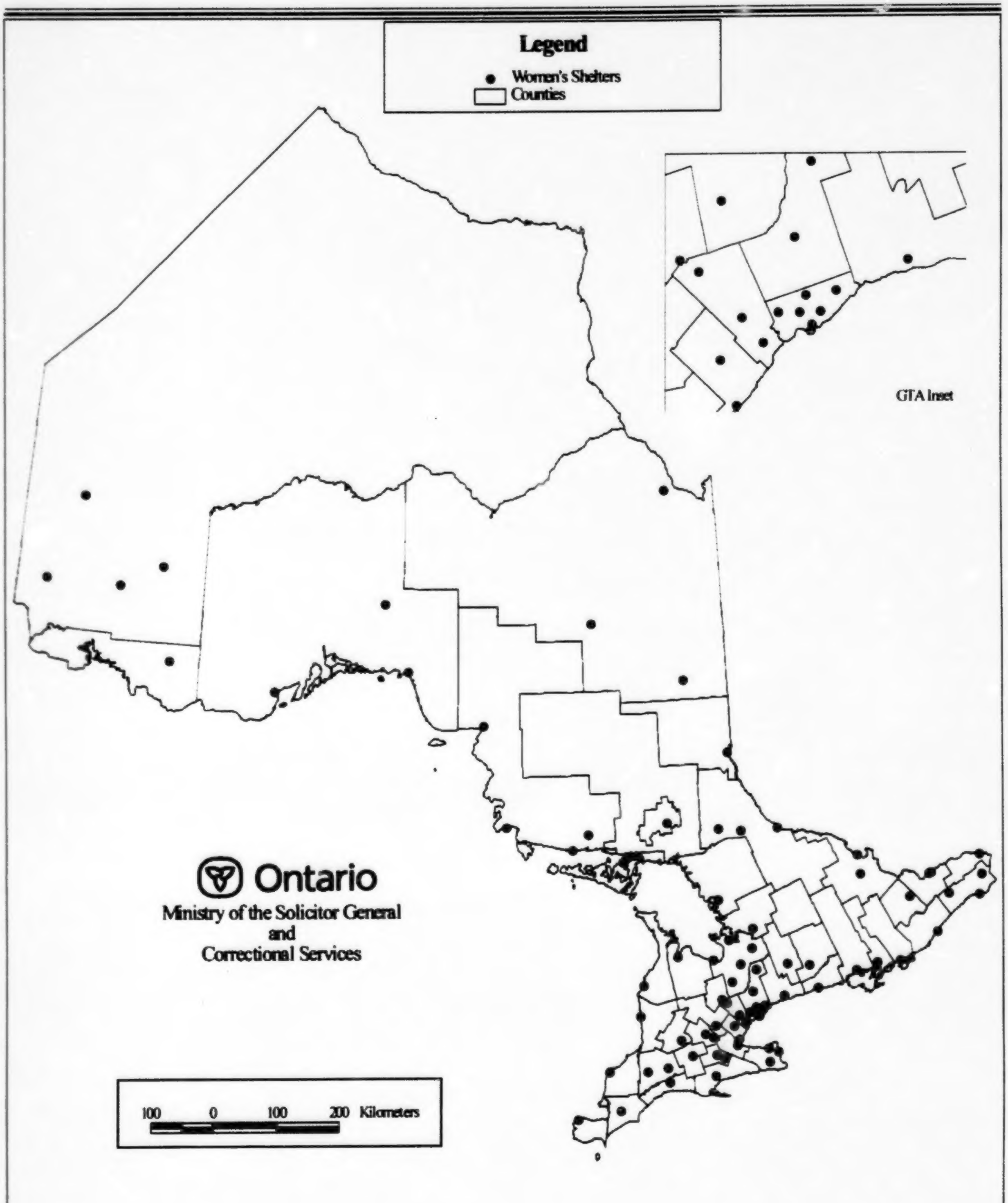


MAPS

Provincial Courts Jurisdictions



Ministry
of
Attorney General


Legend
Women's Shelters
Counties
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Ontario
Ministry of the Solicitor General
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Correctional Services
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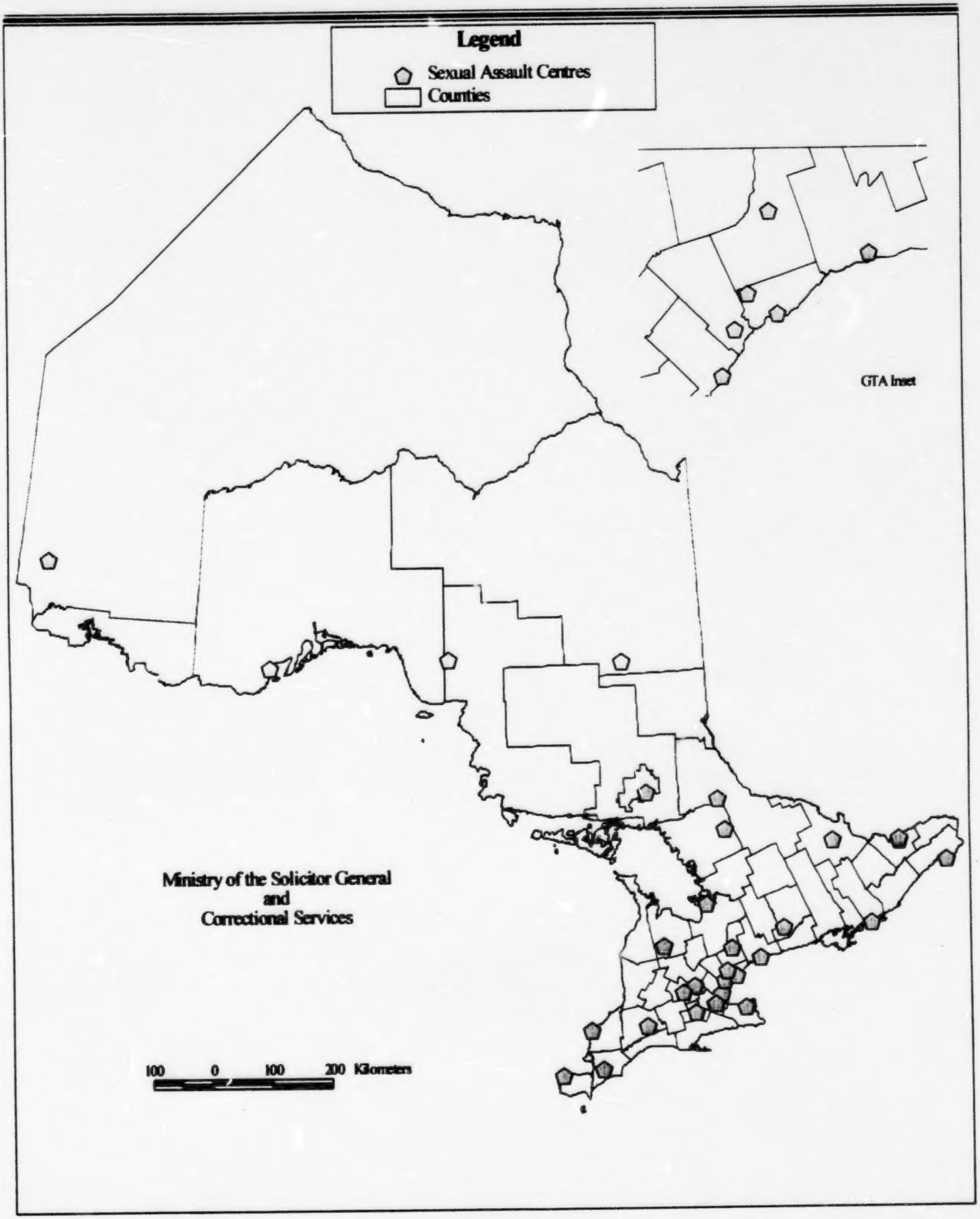
Legend
⬠ Sexual Assault Centres
▭ Counties
GTA Inset
Ministry of the Solicitor General
and
Correctional Services
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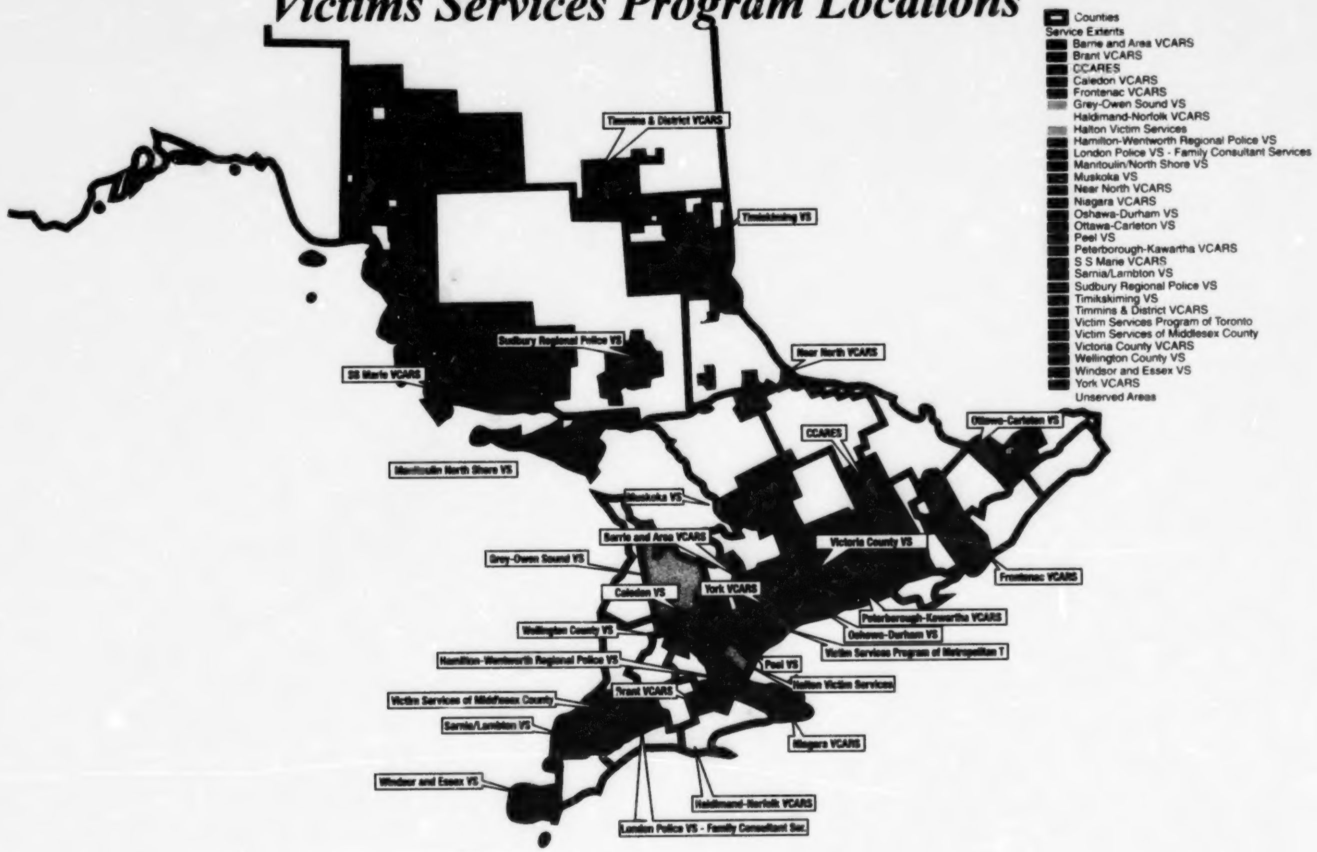
100
200 Kilometers

Victims Services Program Locations


Counties
Service Extents
Barrie and Area VCARS
Brant VCARS
CCARES
Caledon VCARS
Frontenac VCARS
Grey-Owen Sound VS
Haldimand-Norfolk VCARS
Halton Victim Services
Hamilton-Wentworth Regional Police VS
London Police VS - Family Consultant Services
Manitoulin/North Shore VS
Muskoka VS
Near North VCARS
Niagara VCARS
Oshawa-Durham VS
Ottawa-Carleton VS
Peel VS
Peterborough-Kawartha VCARS
S S Marie VCARS
Sarnia/Lambton VS
Sudbury Regional Police VS
Timikskiming VS
Timmins & District VCARS
Victim Services Program of Toronto
Victim Services of Middlesex County
Victoria County VCARS
Wellington County VS
Windsor and Essex VS
York VCARS
Unserved Areas
Timmins & District VCARS
Timiskiming VS
Sudbury Regional Police VS
Near North VCARS
SS Marie VCARS
CCARES
Ottawa-Carleton VS
Manitoulin North Shore VS
Muskoka VS
Barrie and Area VCARS
Victoria County VS
Grey-Owen Sound VS
Frontenac VCARS
Caledon VS
York VCARS
Peterborough-Kawartha VCARS
Wellington County VS
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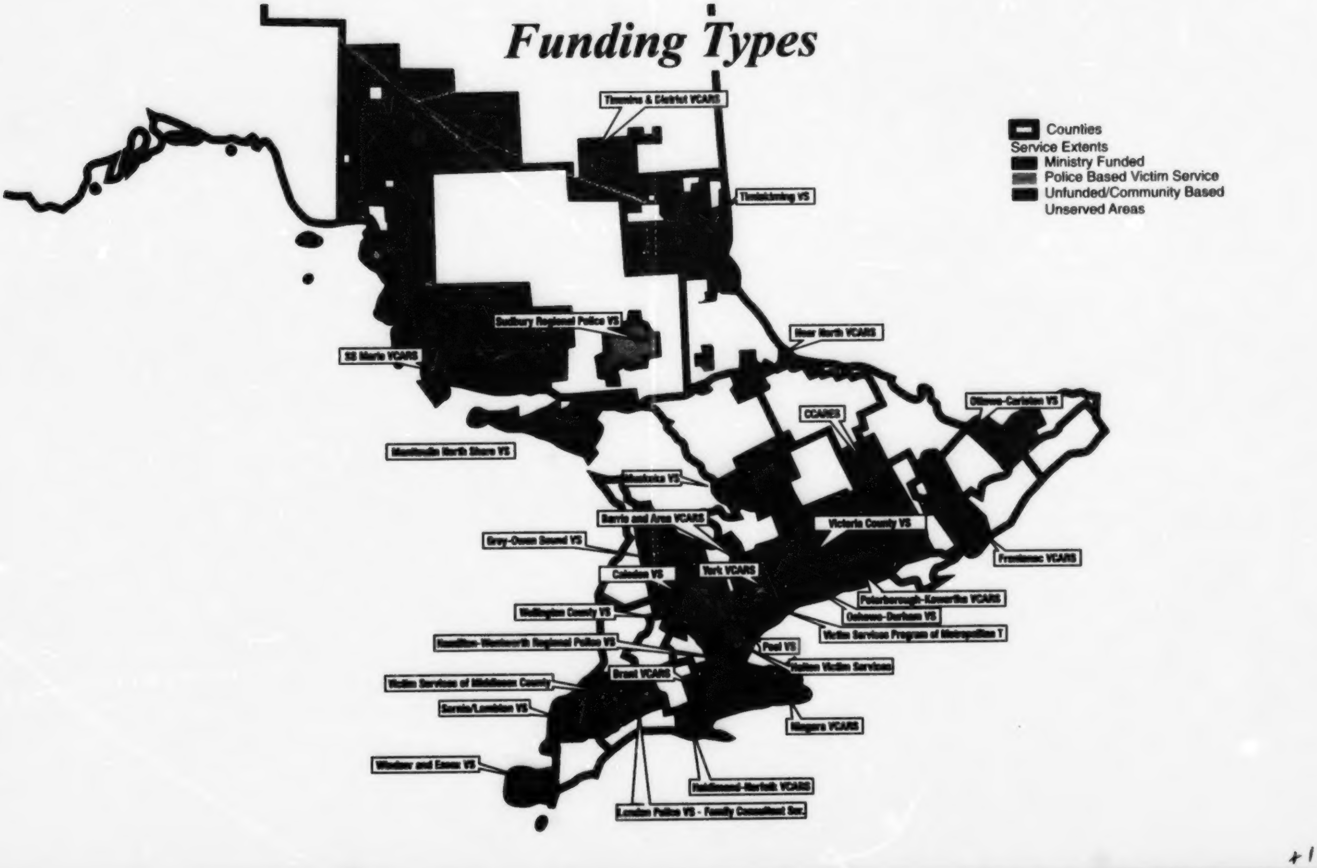
Victim Services Program of Metropolitan T
Hamilton-Wentworth Regional Police VS
Peel VS
Halton Victim Services
Brant VCARS
Victim Services of Middlesex County
Sarnia/Lambton VS
Niagara VCARS
Windsor and Essex VS
Haldimand-Norfolk VCARS
London Police VS - Family Consultant Ser.

Funding Types


Counties
Service Extents
Ministry Funded
Police Based Victim Service
Unfunded/Community Based
Unserved Areas
Timmins & District VCARS
Timiskiming VS
Sudbury Regional Police VS
Near North VCARS
SS Marie VCARS
CCARES
Ottawa-Carleton VS
Manitoulin North Shore VS
Muskoka VS
Barrie and Area VCARS
Victoria County VS
Grey-Owen Sound VS
Frontenac VCARS
Caledon VS
York VCARS
Peterborough-Kawartha VCARS
Wellington County VS
Oshawa-Durham VS
Victim Services Program of Metropolitan T
Hamilton-Wentworth Regional Police VS
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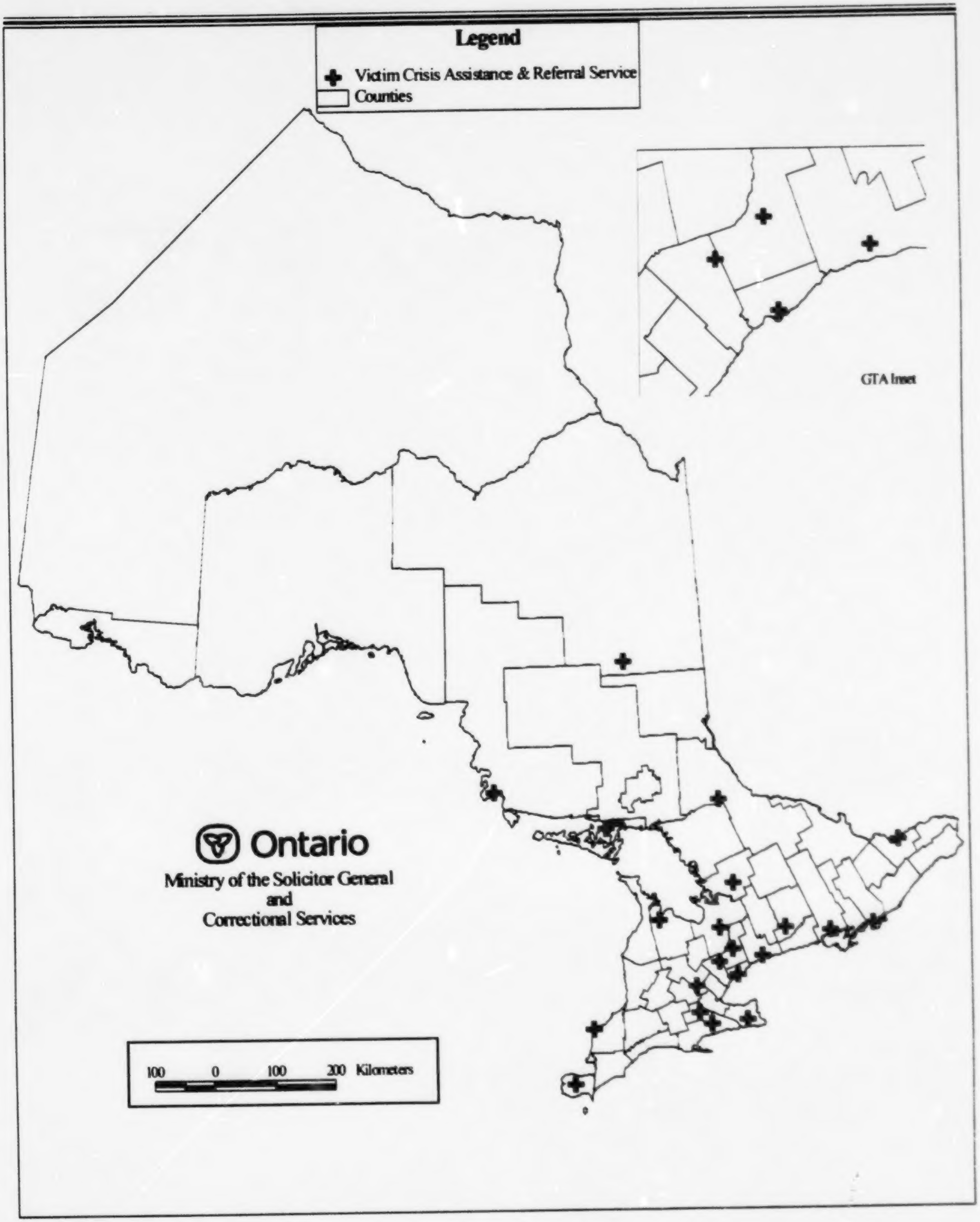
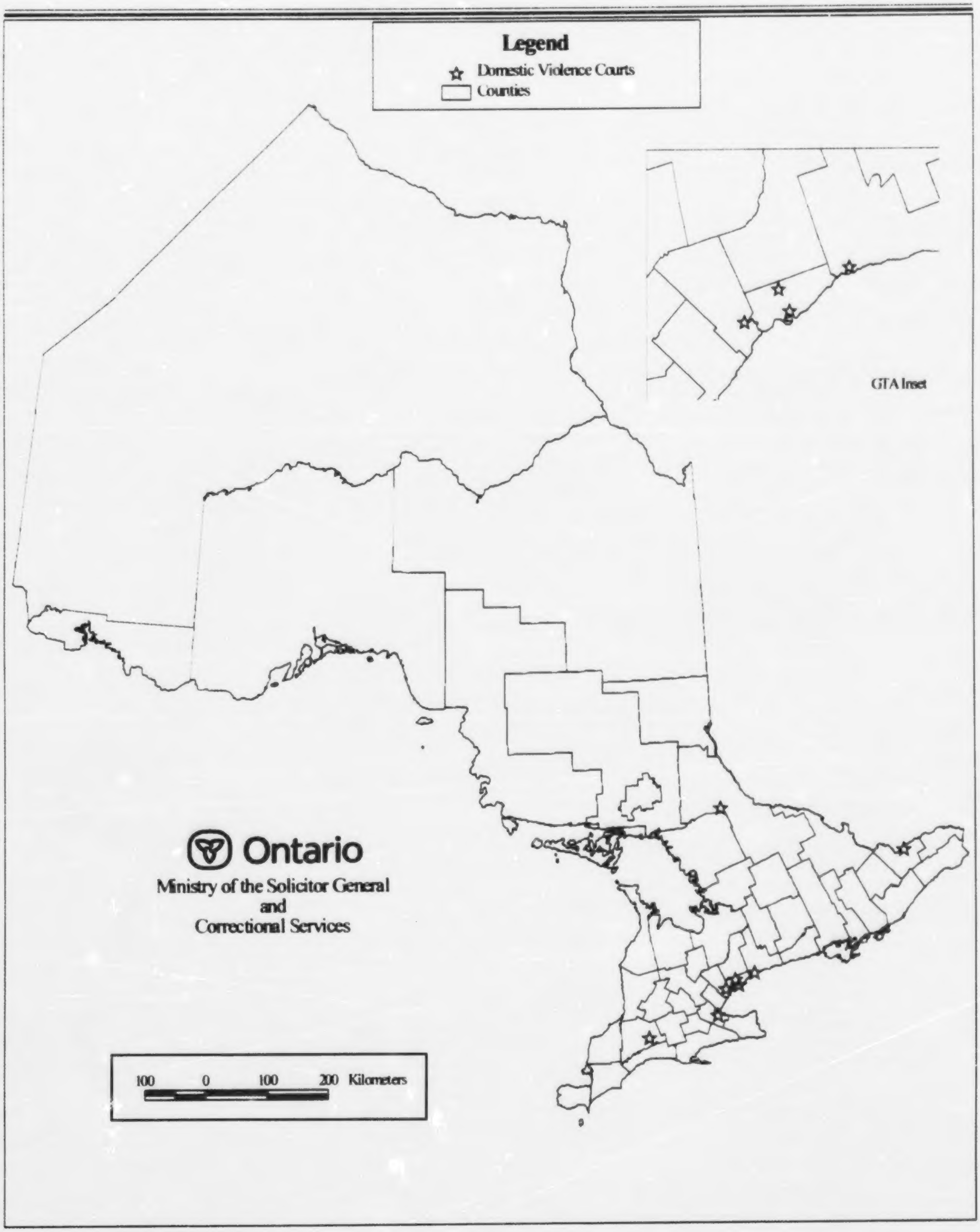
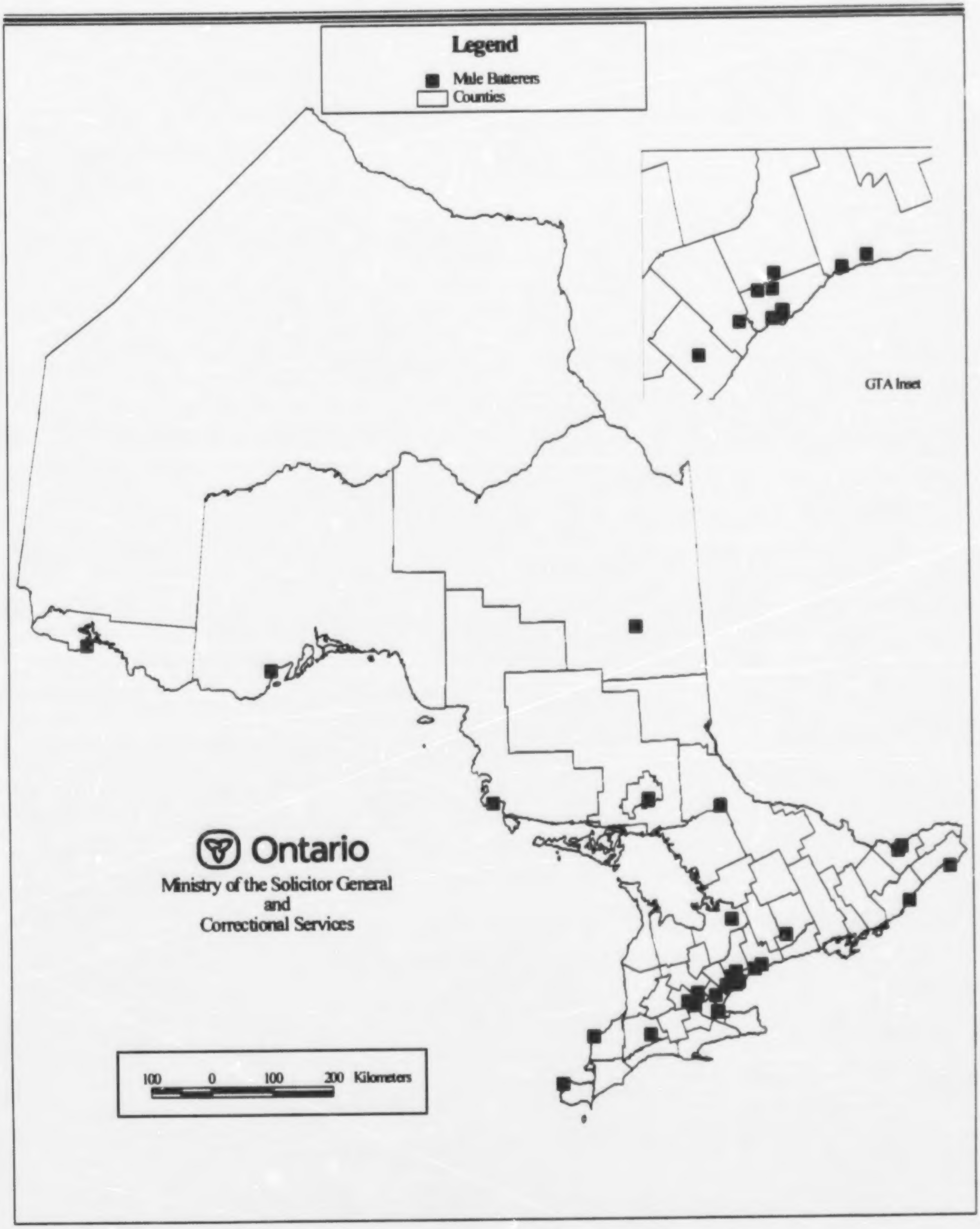
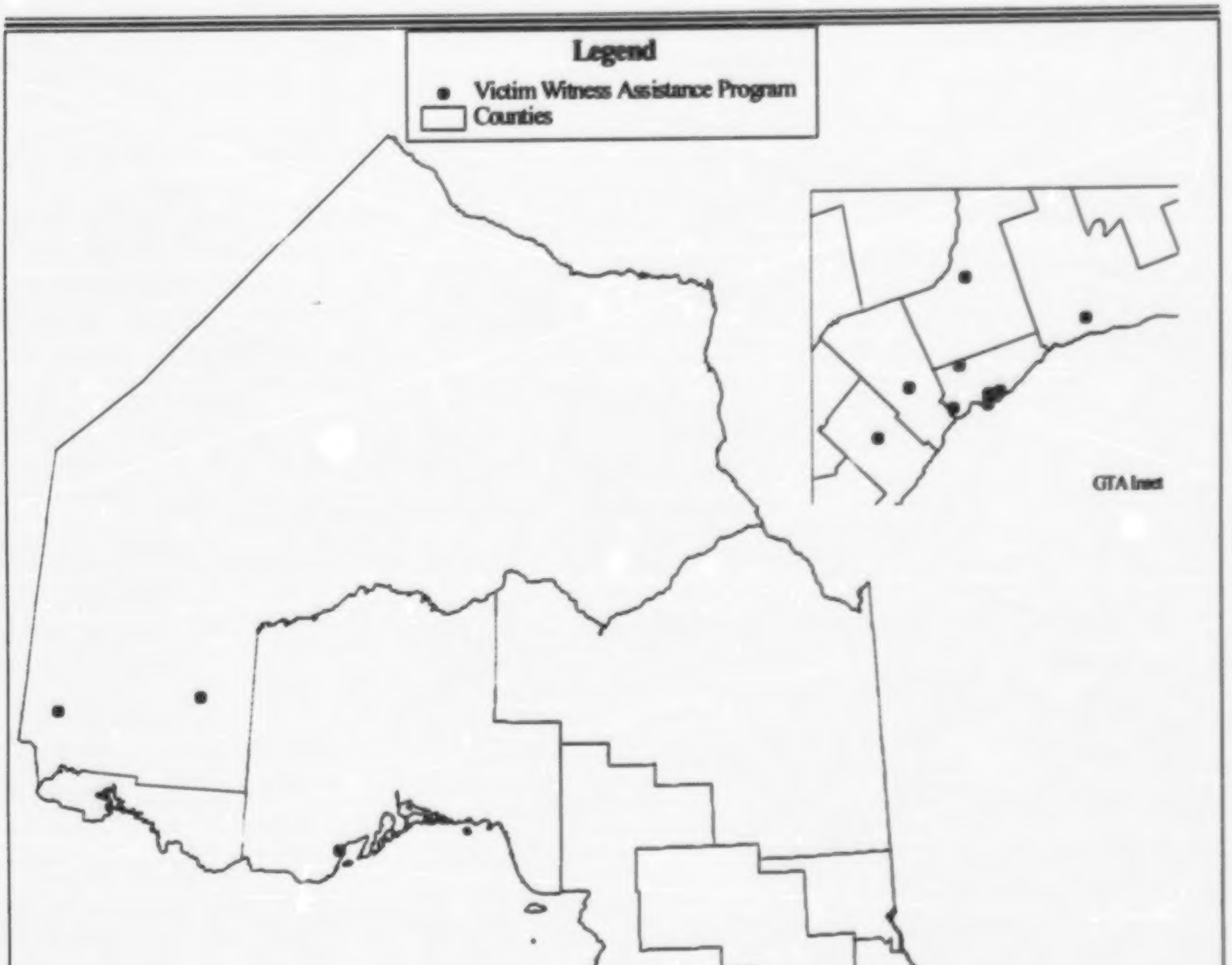
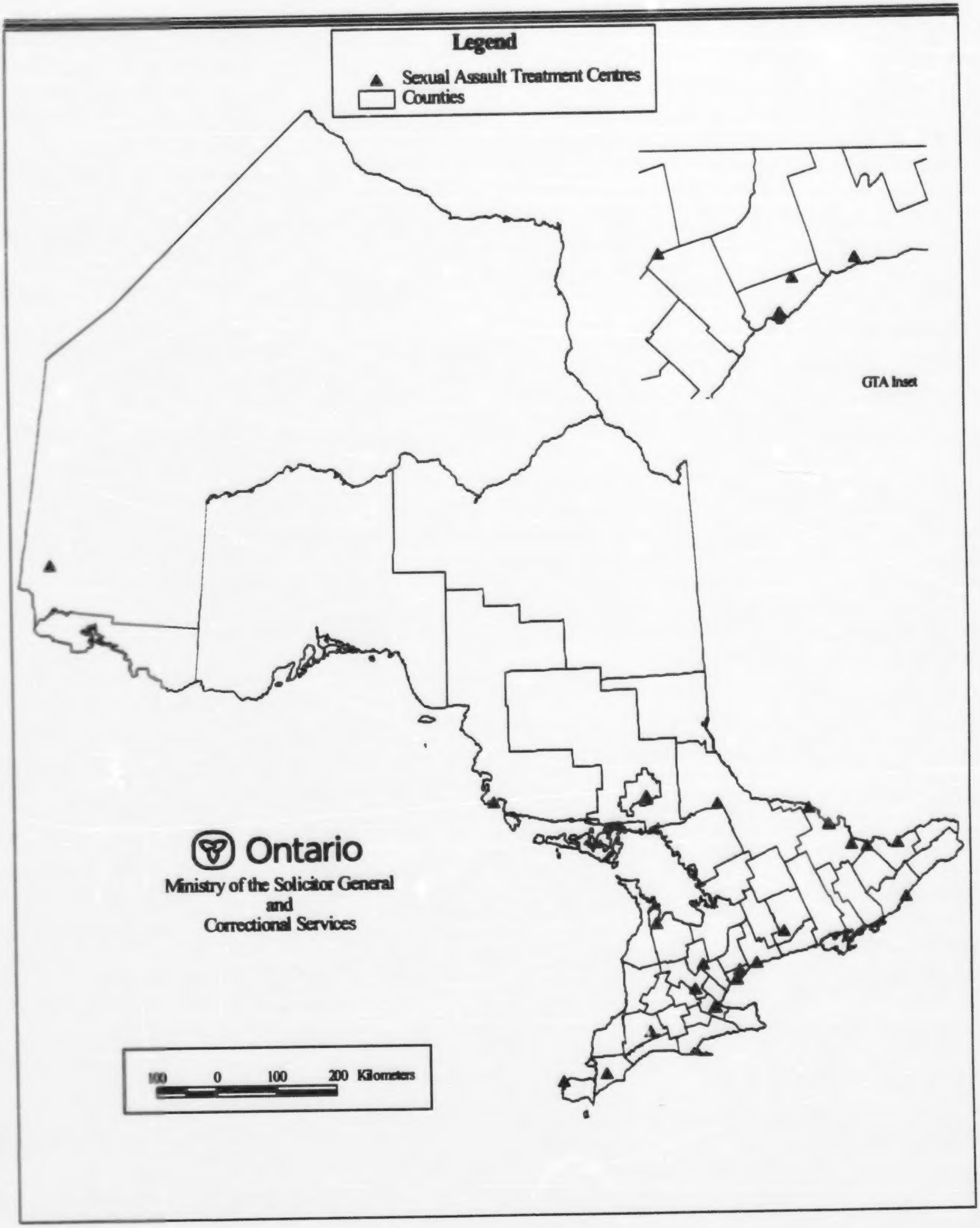
+1 ✗


Legend
Victim Crisis Assistance & Referral Service
Counties
GTA Inset
Ontario
Ministry of the Solicitor General
and
Correctional Services
100
0
100
200
Kilometers


Legend
☆ Domestic Violence Courts
▭ Counties
GTA Inset
Ontario
Ministry of the Solicitor General
and
Correctional Services
100 0 100 200 Kilometers


Legend
■ Male Batterers
Counties
GTA Inset
Ontario
Ministry of the Solicitor General
and
Correctional Services
100 0 100 200 Kilometers


Legend
Victim Witness Assistance Program
Counties
GTA Inset
Ontario
Ministry of the Solicitor General
and
Correctional Services
100
0
100
200
Kilometers


Legend
▲ Sexual Assault Treatment Centres
☐ Counties
GTA Inset
Ontario
Ministry of the Solicitor General
and
Correctional Services
100 0 100 200 Kilometers